

Asbestos

Fw: Inside EPA story abt asbestos risk and sampling

steve vargo, Dr. Carl Edlund, Myron Knudson, Lawrence  
Adele Cardenas to: Starfield, Suzanne Murray, Ben Harrison, Sam Coleman,  
john blevins

02/24/2009 11:44 AM

Cc: "David Gray"

FYI- Adele  
Roger Wilmoth

----- Original Message -----

From: Roger Wilmoth  
Sent: 02/24/2009 12:17 PM EST  
To: Adele Cardenas; JZW1@CDC.GOV  
Subject: Fw: Inside EPA story abt asbestos risk and sampling

Rog

Roger C. Wilmoth, Senior Research Engineer  
US Environmental Protection Agency  
National Risk Management Research Laboratory  
Cincinnati, Ohio 45268

Send mail to:  
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Phone:  
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Email wilmoth.roger@epa.gov

----- Forwarded by Roger Wilmoth/CI/USEPA/US on 02/24/2009 11:48 AM -----

From: Paul Lemieux/RTP/USEPA/US  
To: Roger Wilmoth/CI/USEPA/US@EPA  
Cc: Bob Olexsey/CI/USEPA/US@EPA, David Cleverly/DC/USEPA/US@EPA, David  
Ferguson/CI/USEPA/US@EPA, Fran Kremer/CI/USEPA/US@EPA, Joe  
Wood/RTP/USEPA/US@EPA, Lauren Drees/CI/USEPA/US@EPA  
Date: 02/24/2009 09:14 AM  
Subject: Re: Inside EPA story abt asbestos risk and sampling

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## House Democrats Investigating Concerns Over Asbestos Risk Models

Democrats on a key House oversight panel are investigating concerns over the Agency for Toxic Substances and Disease Registry's (ATSDR) methods for assessing risk from asbestos at contaminated sites, and will hold a hearing next month in part to consider activists' concerns that the methods are based on flawed science.

The House Science & Technology Committee's oversight panel is investigating alleged ATSDR scientific errors and will host its March 12 hearing in part because of concerns that ATSDR did not properly assess the risk of asbestos exposure at contaminated beaches in

Illinois, the informed sources say. Activists who will testify at the hearing see it as a key opportunity to air their long-running fears about EPA's and ATSDR's asbestos risk estimates and they are hopeful it will lay the groundwork for overturning controversial scientific policies of the Bush administration, the sources say.

Lawmakers' plans for the hearing -- which the subcommittee is yet to formally announce -- come as EPA's Inspector General (IG) is also investigating EPA's role in assessing asbestos risks at the Illinois beaches at the request of activists, one of several EPA-related issues sources say activists plan to raise at the event.

Activists have continued concerns regarding a key EPA study backing an EPA approach to determining whether asbestos has been cleaned up to safe levels at Superfund sites, and will discuss this at the hearing.

The EPA study, *Sampling and Analysis of Asbestos Fibers on Filter Media to Support Exposure Assessment: Bench-Scale Testing*, found EPA scientists can use filters with either 0.8 or 0.45 micrometer (um) size pores for the collection and analysis of asbestos fibers -- a finding activists argue is flawed and contrary to the recommendations of the International Organization for Standardization.

Activists have filed several Data Quality Act challenges to the study, and while EPA officials agreed to an activist request that the study be revised to specify it only addresses chrysotile -- as opposed to amphibole -- asbestos, EPA officials in a Jan. 15 letter dismiss the activists' other concerns. Activists argue the issue is significant because EPA has used 0.8 um poresize filters to determine whether asbestos has been remediated to safe levels at Superfund sites throughout the country.

Activists, who are in part concerned that the 0.8 um sized filters may not be appropriate for assessing the amphibole asbestos believed to be contaminating the beaches at issue in the ongoing IG investigation, have also raised their concerns about the study to the IG. But the IG's report, which had been slated for release in November 2008, "ran into some delays," according to an IG spokesman. The IG is still working on the report and it is unclear when it will be released, the spokesman adds.

EPA appears to defend its position that 0.8 um pore size filters are adequate for assessing asbestos risk in a [Feb. 9 report on exposure risks](#) in Libby, MT -- the site of a former vermiculite mine linked to asbestos contamination in homes and other buildings throughout the United States.

The study used 0.8 um pore sized filters to collect samples, but "[i]n order to investigate whether the choice of pore size is an important determinant of observed concentrations," the agency says "samples using 0.45 um pore size filters were [also] collected intermittently at selected sampling stations."

EPA concludes in the study, *Summary of Outdoor Ambient Air Monitoring For Asbestos At*



**Fw: Next Steps.....Follow-up for Acting RA**  
Adele Cardenas to: Lawrence Starfield  
Cc: edlund.carl, vargo.steve, knudson.myron, Ben Harrison

05/07/2009 01:46 PM

----- Forwarded by Adele Cardenas/R6/USEPA/US on 05/07/2009 01:45 PM -----



**Re: Next Steps.....Follow-up for Acting RA**

Sally Gutierrez to: Adele Cardenas

05/07/2009 01:18 PM

Thanks Adele,

This is the plan. The team will work through each of the issues and develop an "internal" response to comments. I will then review the comments and work with ORD hqts to develop a response. We will then make the agreed upon changes, if any. We will discuss with you and others from the Region that want to participate, prior to sitting down with OECA as they requested.

I've asked folks to get through the response in a quick but not extremely accelerated pace.

More to come. Let me know if you have any other thoughts or suggestions.

Sally

Adele Cardenas---05/07/2009 02:01:34 PM---Sally,

From: Adele Cardenas/R6/USEPA/US  
To: Sally Gutierrez/CI/USEPA/US@EPA  
Date: 05/07/2009 02:01 PM  
Subject: Next Steps.....Follow-up for Acting RA

Sally,

Larry inquired today what the next step is and how the concurrence process will occur. He is very supportive of ORD taking the lead. Please let me know if you need anything else from us in Region 6. Appreciate your assistance.

Thanks,  
Adele Cardenas Malott, P.E.  
Senior Policy Advisor



Source: Daily Environment Report: All Issues > 2009 > May > 05/11/2009 > News > Enforcement: Jury Finds W.R. Grace Defendants Not Guilty On All Counts in Libby, Mont., Asbestos Case

88 DEN A-10

### **Enforcement**

#### **Jury Finds W.R. Grace Defendants Not Guilty On All Counts in Libby, Mont., Asbestos Case**

MISSOULA, Mont.—A federal jury in Montana May 8 found W.R. Grace & Co. and three former executives not guilty on all counts in a trial in which the defendants faced charges related to the contamination of Libby, Mont., with asbestos from a nearby mine operated by the company (*United States v. W.R. Grace & Co.*, D. Mont., No. 9:05-cr-7, 5/8/09).

The jury in U.S. District Court for the District of Montana returned the verdicts of not guilty for the company and the three former officials, Robert Bettachi, Henry Eschenbach, and Jack Wolter, after receiving the case May 6 (87 DEN A-16, 5/8/09).

The defendants had faced an eight-count indictment, including charges of conspiracy, obstruction of justice, knowing endangerment, and criminal violations of the Clean Air Act in the tremolite asbestos contamination of Libby, where W.R. Grace owned and operated a vermiculite mine from 1963 to 1990.

Charges against two other defendants—Robert Walsh and William McCaig—had been dismissed earlier after prosecutors agreed they did not have evidence to pursue the case. The case of another defendant, former Grace inhouse attorney O. Mario Favorito, was severed, and he is scheduled to be tried separately.

"Speaking for Grace, and I think for all the defendants, we are very gratified that a just jury and a just court saw through the haze of 10 years of politics and did the just thing," defense attorney David Bernick said. "The notion that the men and women of Grace conducted themselves with criminal intent was politically motivated. We're very gratified that this cloud has been lifted. It's a great company with a great future."

Bernick, with the law firm Kirkland & Ellis, represented W.R. Grace.

#### **Case Said to Have 'No Basis in Fact.'**

The Department of Justice had sought to prove that the defendants knowingly and willfully caused the residents of Libby to be exposed to the mineral tremolite, a component of Libby vermiculite ore, and did not tell government regulators or the public of its dangers. They also charged that the company obstructed a federal investigation of the mine property by barring the Environmental Protection Agency's access in 2000.

The trial was marked by controversy, as defense attorneys charged that prosecutors withheld evidence and that a key government witness, former W.R. Grace vice president Robert Locke, had lied under oath.

Judge Donald Mollóy on several occasions admonished the government attorneys and said he believed Locke was a liar.

"The Justice Department has never ever brought a case like this," said David Krakoff, an attorney with Mayer Brown who represented Eschenbach. "The conspiracy alleged was so sprawling—30 years of events. The theories were novel."

"They cobbled together legal theories to get around the statute of limitations," agreed Carolyn Kubota, who represented Jack Wolter. "This case had no basis in fact."

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#### **Grace Inherited 'Huge Problem,' Attorney Says**

## KOAT.com

### Solar Plant Opens In Albuquerque Monday

POSTED: 5:16 am MDT May 11, 2009  
UPDATED: 8:44 am MDT May 11, 2009

**ALBUQUERQUE, N.M.** -- Schott Solar opens its doors in Mesa del Sol Monday.

The solar manufacturing company will initially generate 330 jobs, but company representatives hope that's just the beginning.

"If our expansion plans are to continue, which is really driven by market conditions, by 2012 or 2015 it could be up to the 1,500 mark," said Zane Rakes, director of operations.

Those jobs are "green collar" jobs.

Schott Solar will specialize in building solar panels for homes and businesses, as well as, working on a concentrating solar power receiver -- which could power an entire city.

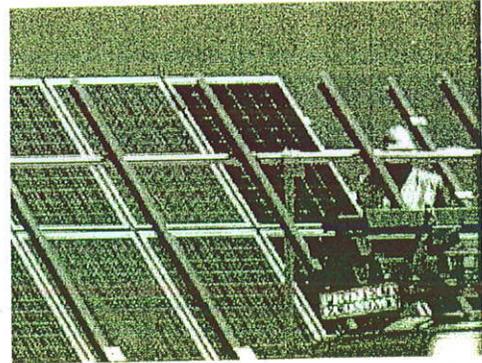
"Fossil fuels are really becoming more and more of a difficult proposition and expensive as well. This is a way to move to a clean energy source," said Rakes.

Rakes said the company is currently negotiating some large contracts and products will start being shipped out later this week.

Governor Bill Richardson and Mayor Martin Chavez are expected to attend Monday's Grand Opening ceremony which begins at 10:00 a.m. with Navajo Dancers.

To learn more about Schott Solar click on the link in the As Seen On 7 section.

Related To Story



**Video: Solar Plant Opens In Albuquerque Monday**

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## Funding sets pace of coal mine reclamation

by: GAVIN OFF World Data Editor  
Sunday, May 10, 2009  
5/10/2009 3:31:42 AM

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 Search a Tulsa World database of abandoned coal mines in Oklahoma.

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Subtle hints give away the history of Bernie Woytas' rural Rogers County property.

The hills cut rather than roll.

Black rock covers the ground.

And steep banks corral surrounding waterways.

Most of Woytas' 88 acres off County Road 4070 sit on an abandoned coal mine. Although trees and thick brush have hidden much of the remains, the mine left 25-foot-high banks along its former pits, which have since become lakes.

Woytas said the slopes are dangerous and he is hoping the Oklahoma Conservation Commission will add his property to its list of future reclamation projects.

For years, the Conservation Commission, backed by federal dollars, has worked to reclaim abandoned coal mines.

So far, the state has restored more than 5,600 acres at a cost of more than \$30 million, according to a database of the Office of Surface Mining Reclamation and Enforcement.

Reclamation targets dangerous areas, such as high banks, sinkholes, vertical openings and contaminated water.

But with more than 360 mines and more than 700 problem areas in eastern Oklahoma, it's possible the state will never restore all of its dangerous mines, said Mike Kastl, director of the Conservation Commission's abandoned mine lands program.

According to the Conservation Commission, 25 people have died at abandoned mines since the early 1970s. Most drowned after falling into water-filled pits where miners once dug for coal. Others died from injuries after falling into pits not filled with water.

"And these are just the ones we know about," Kastl said.

### A lack of funding

Oklahoma needs more than \$91 million to reclaim abandoned coal mines that could threaten a person's health or safety, a Tulsa World analysis found.

The state needs an additional \$52.6 million to reclaim mines that pose environmental threats only.

"We've done a lot of good, but, gosh, it's a shame we can't get more funding," Kastl said.

The federal government awards reclamation funds based largely on how much coal a state produces. Currently, Oklahoma has fewer than 10 operating mines that produce about 1.5 million tons a year, said an Oklahoma Department of Mines official. That's a fraction of what some states, such as Wyoming and West Virginia, produce.

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But Oklahoma does have a wealth of abandoned mines that were dug before the 1970s, when laws began to require that mining companies restore the land. Those mines do not contribute to the abandoned mine lands funding program and often sit unreclaimed.

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The well-documented plan of former Grace executive Elwood Wood to clean up the mine may have been the evidence that best persuaded the jury, Bernick suggested. Wood arrived in Libby in 1977.

"Chip Wood confronted a very complex problem," Bernick told BNA, referring to the tremolite dust problem Grace had inherited and the new, more stringent environmental regulations the company faced at that time. "He rolled up his sleeves and put together a skillfully crafted plan, a transparent and responsible plan .... That plan addresses the central question of whether or not there was a conspiracy."

"In 1963, Grace inherited a huge problem," Bernick said. "The core reason for the problem was that there were not very high [environmental] standards. That was a very dusty mine. And those [low] standards took a toll all over the country, not just in Libby.

Thomas Frongillo of Weil Gotshal & Manges told BNA that he was not surprised at the verdict. "I went into trial believing that if we were given a fair trial, the jurors ... would believe there were no crimes committed," said Frongillo, who represented Bettachi.

"There were documents sitting in the government's own files that they didn't want the jury to see."

The Justice Department released a statement to BNA, saying, "The jury has spoken, and we thank them for their service. We are refraining from further comment at this juncture because one individual awaits trial in connection with this case."

*By Perri Knize*

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**Fw: Fw: INSIDE EPA: EPA Retains Limits On Asbestos Disposal Method Despite Court Reversal**

Adele Cardenas to: steve vargo, Dr. Carl Edlund, Patricia Erickson, Myron Knudson  
Cc: "Lawrence Starfield"

07/27/2009 01:08 PM

FYI- Adele  
Patricia Erickson

----- Original Message -----

**From:** Patricia Erickson  
**Sent:** 07/27/2009 02:03 PM EDT  
**To:** Adele Cardenas  
**Subject:** Re: Fw: INSIDE EPA: EPA Retains Limits On Asbestos Disposal Method Despite Court Reversal  
Adele, interesting article, I hadn't seen it yet.

We had a good briefing with Kevin this morning. He's anxious for NRMRL and Region 6 to push on to finalizing the reports and was very complimentary about the project.

Dave or I can fill you in when you have time--from the road or when you get back.

Thanks.  
Trish

\*\*\*\*\*

Trish Erickson  
Assistant Director - Land & Nano  
National Risk Management Research Lab  
tel 513.569.7406

\*\*\*\*\*

Adele Cardenas---07/27/2009 01:58:23 PM---FYI- Adele ----- Original Message -----

**From:** Adele Cardenas/R6/USEPA/US  
**To:** "David Ferguson" <Ferguson.david@epa.gov>, "Lauren Drees" <Drees.Lauren@epamail.epa.gov>  
**Cc:** "Sally Gutierrez" <Gutierrez.Sally@epamail.epa.gov>, "Patricia Erickson" <Erickson.Patricia@epamail.epa.gov>  
**Date:** 07/27/2009 01:58 PM  
**Subject:** Fw: INSIDE EPA: EPA Retains Limits On Asbestos Disposal Method Despite Court Reversal

FYI- Adele  
Carl Edlund

----- Original Message -----

**From:** Carl Edlund  
**Sent:** 07/27/2009 12:51 PM CDT  
**To:** Adele Cardenas; vargo.steve@epa.gov  
**Cc:** Myron Knudson  
**Subject:** Fw: INSIDE EPA: EPA Retains Limits On Asbestos Disposal Method Despite Court Reversal

----- Forwarded by Carl Edlund/R6/USEPA/US on 07/27/2009 12:52 PM -----



## INSIDE EPA: EPA Retains Limits On Asbestos Disposal Method Despite Court Reversal

Ruben Casso to: Carl Edlund, Esteban Herrera

07/27/2009 12:19 PM

Monday, July 27, 2009

### **EPA Retains Limits On Asbestos Disposal Method Despite Court Reversal**

EPA officials are vowing to retain limits on the use of a controversial method for demolishing asbestos-contaminated structures despite a dramatic reversal by a federal judge to block a novel class action damages suit that trial lawyers and others filed in part to kill the agency's policy entirely.

An EPA official says in the wake of the ruling, the agency will continue to limit use of the so-called "wet" method to instances when a building in danger of imminent collapse has been ordered demolished. Other applications are not permitted although agency officials can make exceptions, according to an EPA official quoted in press reports.

Judge Carol E. Jackson of a federal district court in Missouri ruled July 21 that plaintiffs seeking damages for St. Louis' use of the method no longer had standing to sue, even though she was on the verge of imposing damages.

In her ruling in *Families for Asbestos Compliance Testing & Safety [FACTS] v. City of St. Louis, Missouri*, Jackson said the plaintiffs did not have standing to bring their claim because there was no way for the court to redress their injuries since the violations were no longer occurring.

"Plaintiff cannot establish redressability on the basis of a remedy that is not in the defendant's power to provide," she wrote in her order. "Based on all of the evidence, the court finds that plaintiff has failed to establish that violations of the Clean Air Act were occurring or were imminent at the time it filed its complaint. Thus, the court concludes that plaintiff lacks standing to bring a claim under the act."

Trial lawyers representing St. Louis residents filed the suit in part to permanently kill EPA approval of the so-called "wet" demolition method, which involves soaking asbestos-containing buildings to limit asbestos dispersal in the air during demolition, rather than removing the asbestos from the buildings beforehand.

During the early years of the Bush administration, EPA approved use of the method in St. Louis and a few other sites, and took steps toward a rule that would have allowed use of it as an alternative to demolition procedures contained in agency's national emission standards for hazardous air pollutants (NESHAP), which otherwise requires workers to remove and dispose of asbestos prior to demolition.

Patricia Anderson (works for Sally)  
 Dave Ferguson

**AACM ORD - Regional Lead Schedule 8/31/09**

Item	Target	Historical Experience Based
Brief ORD DAA-Science on draft response to OECA comments – ORD	7/27/09	Completed
Finalize response to OECA comments – ORD and Region 6	8/7/09	8/12/09
Brief for OECA and OAQPS on response to comments – ORD and Region 6	Week of 8/10/09	Share Documents 8/12/09-8/19/09
Conference Call Scheduled OGC/OAQPS/OECA Negotiate changes – agree to final documents		Week of 8/19/09-8/26/09
Complete revisions to AACM2, AACM3, and PR/RTC – ORD and Region 6	8/28/09	8/26-31/09
Coordinate Web Access from R6 to ORD		8/3-17/09
Web posting of AACM documents through AACM1 (replacement of Region 6 AACM website) – ORD and Region 6	8/31/09	Actual posting of historical documents 8/17/09-9/1/09
Clearance Steps Identified (Potential Administrator Briefing, Program Offices, etc) Document Preparation		9/1/09-9/15/09
Clearance of AACM2, AACM3, and PR/RTC – ORD (clearance official Gutierrez)	9/15/09	
Web publish AACM2, AACM3, and PR/RTC – ORD	9/25/09	9/25/09
Briefings/presentations of results to project partners and other stakeholders. Multiple venues and dates – Region 6 and ORD Fort Chaffee Redevelopment Authority /local/State(ADEQ)/etc Texas Department of State Health Services/Sierra Club/EIA City of Fort Worth Mayor/Council Member/Neighborhood Association and Stakeholders briefed prior to Demolition (3-4 groups) States in Region 4/Region 5 – continuing to monitor progress, regional asbestos meetings/conferences/monthly calls	October – November	Scheduling these activities in a coordinated effort with partners 30-45 Days minimum.

This schedule is my best guess based on previous history associated with negotiations with my past Co-lead, Roger Wilmoth. With a hole new ORD team in place who was not participating in an active role, sharp learning curve.



**ACTION REQUESTED: Cross-office review of ORD Alternative Asbestos Control Method Reports**

Sally Gutierrez to: Peter Tsirigotis, Lee Hofmann, James Konz, Lawrence Starfield, Steve Page, Chris Kaczmarek, Mike Fisher, Matt Hale, James Woolford

10/29/2009 02:37 PM

Cc: Randy Hill, Adele Cardenas, Steve Vargo, Carl Edlund, Myron Knudson, Ann Strickland, Kevin Teichman, David Ferguson, Patricia Erickson, Lauren Drees, Beth Craig

Dear OAR, OGC and OSWER Colleagues,

We've completed the first part of the two-part review process to finalize the asbestos demonstration project reports. The current version of the documents have been revised to reflect OECA's comments and discussion between our two offices.

We are now inviting each office to take a final look at the reports and identify any issues or concerns. The three documents to be published are:

AACM 2

AACM 3

Combined Peer Review and Response to Comments

To summarize changes since you last saw the draft reports, we will also provide our responses to the OECA comments from May and September 2009.

You will all receive an email from David Ferguson of NRMRL no later than Monday, November 2 with a Windows Live link where you can download the files. I'm asking each office to respond to me by November 13 with your concurrence or a summary of critical issue/s or comments that you have. If your office would like to have a conference call to discuss any of your issues or comments, please let me know and we will work with you to arrange it.

As you know, these reports have been in the works for quite a while. I'd like to see them completed by the end of this calendar year.

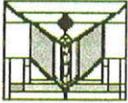
We appreciate your contributions and cooperation to the successful completion of this project.

Thanks,

Sally Gutierrez  
Director  
National Risk Management Research Laboratory

**RA/DRA Briefing**  
**Alternative Asbestos Control Method Research**  
**December 17, 2009**

1. Overview Presentation on History of AACM Research Projects  
( AACM#1 – Fort Chaffee, AACM#2 – Fort Chaffee, AACM#3 – City of Fort Worth)
2. Program Offices Involved in Research and Review
  - a) Office of Research & Development (ORD – Cinn)
  - b) Office of Air Quality Planning and Standards (OAQPS)
  - c) Office of Enforcement (OECA)
  - d) Office of Solid Waste and Emergency Response (OSWER)
  - e) Office of Policy, Economics & Innovations (OPEI)
3. Status of Final Draft Reports – Concurrence Process
  - a) AACM #2 – Final Report 1/30/10
  - b) AACM #3 – Final Report 1/30/10
  - c) Response to Peer Review Comments Report ORD
4. Publication of All Reports Pending
  - a) ORD Website Launched
  - b) Region 6 – Transition Page
5. Communication Outreach
  - a) Continue to Make Presentations as requested.
  - b) Participate on Regional and National Asbestos Workgroups
  - c) Close the loop with Project Sponsors and Interested Parties Involved Directly ( Fort Chaffee Redevelopment Authority, City of Fort Worth, ADEQ, TDSH)
6. Briefing Schedules following Final Reports – External
  - a) City of Fort Worth Mayor/Council Member
  - b) Fort Chaffee Redevelopment Authority & Local Officials
  - c) Texas Department of State Health Services
  - d) Sierra Club of Texas/ED/Public Citizen, etc.
  - e) Texas Department of Transportation
  - f) Environmental Information Association
  - g) Coordinating with Federal Liaison w/Federal Highways Office
5. Preparation of Internal Equivalency Document – Should Region 6 Support ORD to complete?
6. Briefing Schedules – Internal
  - a) OAQPS/OECA/OGC – Full Briefing



Here's Scout

Adele Cardenas, Anita Smith, Ben Harrison, Carl Edlund, Carrie Clayton, Claudia Hubbard, Connie Sanchez, Connie Suttice, David Gray, Deanna Bradford, Deborah Ponder, Dora Rodriguez, Elizabeth Braziel, Jeanette Morgan, Jeannine Hale, Joyce Runyan, Linda Serrano, Margaret Oldham, Miguel Flores, Monica Wilson, Odessa Williams, Pam Phillips, Ronnie Crossland, Sam Becker, Sam Coleman, Shirley Langley, Stephen Gilrein, Suzanne Murray, William Honker, William Luthans, Wren Stenger, Diane Taheri, Christina Jackson, Teresa Clark

12/03/2009 01:41 PM

*How were the  
to demolition building...*

**Scout Report - Milestones by Date**  
Region06

Date Printed:  
12/03/2009  
Page: 1

All Dates Included  
Includes Local ("Green") entries



Milestone Date	Action Title	Action Summary	Milestone / Milestone Description
Y 01/28/2010 Thursday	Texas Public Participation SIP	Region06/ Multimedia Planning and Permitting Division (6PD); OAQPS Type: Determination	Signature by RA on proposed SIP actions MILESTONE DESCRIPTION: Current SIP issues affecting Texas
Y 01/30/2010 Saturday	Alternate Asbestos Control Method - Demolition #2	Region06/ Multimedia Planning and Permitting Division (6PD) Type: Study	Final Report for Demolition #2 MILESTONE DESCRIPTION: Final Report
Y 01/30/2010 Saturday	Alternate Asbestos Control Method Demolition #3	Region06/ Multimedia Planning and Permitting Division (6PD) Type: Study	Final Report for Demolition #3 MILESTONE DESCRIPTION: Final Report
Y 01/31/2010 Sunday	Treatment as a State (TAS) for the Clean Water Act by San Felipe Pueblo of New Mexico	Region06 Type: Regulation	Treatment as a State (TAS) for the Clean Water Act by San Felipe Pueblo of New Mexico MILESTONE DESCRIPTION: The Pueblo of San Felipe submitted an application for Treatment As a State (TAS) for the Clean Water Act (CWA) Section 106 Water Pollution Control Program. The application is being reviewed by Office of Regional Counsel
Y 01/31/2010 Sunday	Treatment as a State (TAS) for the Clean Water Act by Choctaw Nation of Oklahoma	Region06 Type: Regulation	Treatment as a State (TAS) for the Clean Water Act by Choctaw Nation of Oklahoma MILESTONE DESCRIPTION: The Choctaw Nation of Oklahoma submitted an application for Treatment as a State (TAS) for the Clean Water Act (CWS)

*talk  
to  
Larry*

*CRP*



				Section 106 Water Pollution Control Program. The application is being reviewed by Office of Regional Counsel.
Y	09/30/2010 Thursday	Agriculture Street Landfill	Region06/ Superfund Division Type: Policy	<p>Publish Notice of Final Deletion in Federal Register</p> <p>MILESTONE DESCRIPTION: EPA will publish a Federal Register notice deleting the Agriculture Street Landfill site from the National Priorities List of Superfund sites because actions have been taken to mitigate environmental and public health threats at the site.</p>
Y	12/31/2010 Friday	Tar Creek Superfund Site	Region06/ SF Type: Regulation	<p>Phase 4 of OU2 Completion</p> <p>MILESTONE DESCRIPTION: Phase 4 of yard remediation under OU2 (footprints of "buy-out" homes and previously unidentified occupied homes.) Phase 4 began 10/01/2007.</p>

Deliberative...Not Agency Policy...Do Not Quote, Cite or Distribute

Pat Gaspar  
Office of the Regional Administrator  
U.S. EPA Region 6  
Phone: 214-665-2100  
Fax: 214-665-6648



Adele  
Cardenas/R6/USEPA/US  
01/09/2009 09:59 AM

To Lawrence Starfield/R6/USEPA/US@EPA  
cc  
bcc

Subject Re: Fw: Update of Status of Alternative Asbestos Control Method Project and discussion of our concerns with the reports

Larry,

The following is the timeline we worked from for the AACM2 and AACM3 activities.

June 3, 2008 - HQ's check in call to discuss the draft AACM2/AACM3 Research documents to be reviewed by all team members and HQ's offices involved prior to Public Notice.

July 1, 2008 - Email update on status of Draft documents for review.

July 16, 2008 - Comments received from OAQPS, OGC and OECA on the draft AACM2/3 documents.

July 21, 2008 - FR Notice published with release of reports - 30 day comment period - Comment period extended to September 1, 2008 - All posted on R6 Website

August 27, 2008 - FR Notice for Peer Review Meeting date and location published.

September 11/12, 2008 - Public Meeting Peer Review Committee

October 2008 - Check in call with HQ's - Status of Public Meeting and next steps - Peer Review Committee Final Report dependant

November 2008 - Peer Review Committee still working on Report - notification submitted to contacts.

November 10, 2008 - ORD received Final Peer Review Report for beginning incorporation of comments and response to comments document development.

November 12-14 - Individual calls made to HQ's contacts on next steps and status.

November 19, 2008 - RAC/NAC Call - Update on status of AACM to all Regional and HQ's participants with potential schedule.

December 8, 2008 - Update notice of draft reports and notification of staff availability to review within 7 calendar days, ORD provided 10 days. No response for HQ's offices made until Regional staff began notification and assistance.

December 18, 2008 - RA provided extension to OGC to January 8, 2009 for receipt of comments.

January 5, 2009 - Follow-up with OAQPS made from Regional management as well follow-up by ORD.

January 6, 2009 - OGC submitted comments to ORD/R6.

NOTE: Draft Comparison Report released to HQ's points on December 23, 2008, by ORD with deadline of January 12, 2009 for comments to allow changes and preparation for Letter Peer Review Process to begin January 26, 2009.

Hope this helps, let me know if you need anything else. I will have to track down actual emails from archive if you need exact dates.

Adele Cardenas Malott, P.E.

-----Lawrence Starfield/R6/USEPA/US wrote: -----

To: Adele Cardenas/R6/USEPA/US@EPA

From: Lawrence Starfield/R6/USEPA/US

Date: 01/08/2009 09:17AM

Subject: Re: Fw: Update of Status of Alternative Asbestos Control Method Project and discussion of our concerns with the reports

Thanks for the heads up. In anticipation of a call from Steve Page, you might give me a quick chronology of our contacts with OAQPS to make clear that this was not a late hit.

Fw: AACM: Your Favorite Topic, I Know  
Lawrence Starfield to: Pat Gaspar

12/11/2009 04:22 PM

Pls print  
Sent by EPA Wireless E-Mail Services  
Adele Cardenas

----- Original Message -----

From: Adele Cardenas  
Sent: 12/11/2009 01:17 PM EST  
To: "steve vargo" <vargo.steve@epa.gov>; "Dr. Carl Edlund"  
<edlund.carl@epa.gov>; Myron Knudson; Ben Harrison  
Cc: Lawrence Starfield  
Subject: Fw: AACM: Your Favorite Topic, I Know

FYI- Adele  
Sally Gutierrez

----- Original Message -----

From: Sally Gutierrez  
Sent: 12/11/2009 01:10 PM EST  
To: Randy Hill  
Cc: Patricia Erickson; Adele Cardenas; Andrew Gillespie  
Subject: Re: AACM: Your Favorite Topic, I Know

Randy,

I have asked my staff to complete a thorough review of the health and safety measures implemented during the course of these research studies.

Thanks for your advice in this matter.

Sally

Randy Hill---12/10/2009 02:48:23 PM---Sally, I have now moved on to the Office of Water; thank you for...

From: Randy Hill/DC/USEPA/US  
To: Sally Gutierrez/CI/USEPA/US@EPA  
Date: 12/10/2009 02:48 PM  
Subject: AACM: Your Favorite Topic, I Know

Sally,

I have now moved on to the Office of Water; thank you for your kind note. I've very excited about the prospect of working with Jim Hanlon; that was the major reason for me taking the job.

I promised Catherine McCabe that I would update you on OECA's final review of the documents, and I need to discuss one outstanding issue with you privately. Is there a time we could talk soon? My calendar is very free the remainder of today and tomorrow. Let me know and I'll give you a call.

Randy Hill  
Deputy Director  
Office of Wastewater Management  
U.S. EPA (4201M)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

(202) 564-0748  
(202) 501-2338 (FAX)  
hill.randy@epa.gov

---

Confidential: This transmission may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this message has been received by you in error, you are instructed to delete this message from your machine and all storage media whether electronic or hard copy.

AACM - Scout

Fw: AACM in Scout  
Lawrence Starfield to: Pat Gaspar

12/17/2009 10:48 PM

Pls print  
Sent by EPA Wireless E-Mail Services  
Adele Cardenas

----- Original Message -----

From: Adele Cardenas  
Sent: 12/17/2009 11:07 PM EST  
To: Lawrence Starfield  
Cc: Joyce Runyan  
Subject: Re: AACM in Scout

Larry,

I had discussed prior to my Detail being terminated by 6PD. ORD requested that we both have it since we committed dollars to the research and the projects were in the Region 6 area. It maintains the partnership which Sally would like to continue. If you want me to discuss further w/ORD, it will be after the New Year.

Thanks,  
Adele  
Lawrence Starfield

----- Original Message -----

From: Lawrence Starfield  
Sent: 12/17/2009 05:55 PM CST  
To: Adele Cardenas  
Cc: Joyce Runyan  
Subject: AACM in Scout

Adele,

Thanks for the good briefing today.

Al asked why the AACM matter is listed by Region 6 in Scout, as compared to ORD. Fair question. Does ORD have the reports in their Scout report, in which case we could drop ours?

Larry



**Fw: ORD Link to AACM materials**

Adele Cardenas to: Gray.david

02/01/2010 03:49 PM

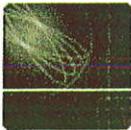
Cc: Bruce Fitch, vargo.steve, edlund.carl, knudson.myron, Lawrence Starfield

David,

Can you please see that our AACM website post this new link to ORD's website which will now house all the research documents. Please let me know if I can assist in anyway to coordinate this final step for Region 6. Appreciate your assistance.

Thanks,  
Adele Cardenas Malott, P.E.  
Senior Policy Advisor

----- Forwarded by Adele Cardenas/R6/USEPA/US on 02/01/2010 03:47 PM -----



**Re: ORD Status on delay from OAQPS**

Patricia Erickson to: Adele Cardenas

02/01/2010 03:42 PM

<http://www.epa.gov/nrmrl/lrpcd/aacm/>

Is this all you need? Sorry not to have done it before.

Trish

\*\*\*\*\*

Trish Erickson  
Assistant Director - Land & Nano  
National Risk Management Research Lab  
tel 513.569.7406

\*\*\*\*\*

Adele Cardenas---02/01/2010 04:39:49 PM---I do not think we got the link. Send it to me and David Gray. T

From: Adele Cardenas/R6/USEPA/US  
To: Patricia Erickson/CI/USEPA/US@EPA  
Date: 02/01/2010 04:39 PM  
Subject: Re: ORD Status on delay from OAQPS

I do not think we got the link. Send it to me and David Gray.

Thanks,  
Adele Cardenas Malott, P.E.

Patricia Erickson

----- Original Message -----

From: Patricia Erickson  
Sent: 02/01/2010 04:36 PM EST  
To: Adele Cardenas  
Subject: Re: ORD Status on delay from OAQPS

Sally's been behind closed doors. I'll let you know as soon as I know something!

**Fw: Inside EPA Article (AACM)**  
Lawrence Starfield to: Pat Gaspar

05/20/2011 08:47 AM

Pls print  
Sent by EPA Wireless E-Mail Services  
Adele Cardenas

----- Original Message -----

**From:** Adele Cardenas  
**Sent:** 05/20/2011 09:43 AM EDT  
**To:** "Dr. Carl Edlund" <edlund.carl@epa.gov>; "Mr. Myron Knudson" <knudson.myron@epa.gov>; "steve vargo" <vargo.steve@epa.gov>; "Mr. Larry Starfield" <starfield.lawrence@epa.gov>  
**Cc:** Sally Gutierrez; "Patricia Erickson" <Erickson.Patricia@epa.gov>; "David Ferguson" <Ferguson.david@epa.gov>  
**Subject:** Fw: Inside EPA Article (AACM)

FYI

Adele Cardenas Malott, P.E.  
David Bary

----- Original Message -----

**From:** David Bary  
**Sent:** 05/20/2011 08:40 AM CDT  
**To:** Adele Cardenas; David Eppler  
**Subject:** Inside EPA Article (AACM)

<http://insideepa.com/201105192364481/EPA-Blog/The-Inside-Story/epa-sued-over-asbestos-demolition-method/menu-id-97.html>

The Inside Story

## EPA Sued Over Asbestos Demolition Method

Posted: May 19, 2011

Environmentalists opposed to a controversial method of demolishing asbestos-contaminated buildings are suing EPA under the Freedom of Information Act (FOIA) over what they say is the agency's failure to release information on testing the agency has conducted relative to the controversial method.

At issue is the so-called "wet" method of demolishing asbestos-contaminated buildings, also known as the alternative asbestos control method (AACM). Normally, under EPA's National Emissions Standards for Hazardous Air Pollutants (NESHAPs), all asbestos must be removed from a building before it is demolished in order to limit the possibility of the substance being released into the air and exposing people nearby.

But under the "wet" method, asbestos would instead be left in place and soaked down with water sprays prior to demolition, allowing the work to be completed faster.

Environmentalists have long opposed the wet method. In May 2010, a coalition of groups --

including the Natural Resources Defense Council (NRDC) and Public Justice -- wrote a letter to EPA Administrator Lisa Jackson in which they urged the Obama EPA to abandon what they described as a "misguided" attempt by the Bush administration to authorize use of the "wet" method." The "wet" method "does not work, and can potentially expose workers and nearby residents to asbestos," the activists said in the 2010 letter.

Now, NRDC and Public Justice are suing EPA under FOIA, alleging the agency is illegally withholding information about tests it conducted relative to the "wet" method. "The agency has conducted tests of AACM at various demolition sites, including Fort Chaffee Redevelopment Authority near Forth Smith, Arkansas in April 2006 . . . and July 2007 . . . and Forth Worth, Texas in December 2007," the activists note.

According to their April 27 complaint filed in the U.S. District Court for the Southern District of New York, the activists filed a FOIA request with EPA in June 2010 in order to "learn about the environmental impacts of the" tests and the method in general. The activists sought "all data associated with the tests, external peer review comments and review sessions for the tests, cost and budgeting information, and communications to or from two key EPA officials about these tests," according to the complaint.

↳ Richard + — ?

Dissatisfied with EPA's response to their FOIA request, the activists "now seek a declaration that EPA has violated FOIA by refusing to disclose responsive records, by refusing to segregate non-privileged portions of withheld documents, and by failing to conduct an adequate search for responsive records." The activists also "request an injunction ordering EPA to conduct a legally adequate search and to provide all requested and improperly withheld records."

Related News: Waste

2364481



FW: Amazing what smart people learn from the AACM work!!!!  
Roger Wilmoth in Cincinnati to: Lawrence Starfield

08/17/2010 12:42 PM

**From:** Richard Greene [mailto:mayorgreene@mac.com]  
**Sent:** Tuesday, August 17, 2010 9:24 AM  
**To:** Roger Wilmoth in Cincinnati  
**Cc:** Adele Cardenas; JOHN KOMINSKY; MICHAEL GANGE; Bob Ed Smith; MIKE WILMOTH; anastas.paul@epa.gov; teichman.kevin@epa.gov; starfield.larry@epa.gov; BOB OLEXSEY; gutierrez.sally@epa.gov  
**Subject:** Re: Amazing what smart people learn from the AACM work!!!!

Unbelievable confirmation of the value of the AACM research. EPA is digging a hole so deep in trying to bury the AACM research that it would not take a judge in a federal courtroom somewhere but minutes to order a cease and desist from obstructing the better way of providing protection for the public from exposure to dangerous asbestos.

Richard Greene  
[mayorgreene@mac.com](mailto:mayorgreene@mac.com)

On Aug 16, 2010, at 3:08 PM, Roger Wilmoth in Cincinnati wrote:

**From Denver Channel 7 News August 13<sup>th</sup>, 2010**

**Denver Traffic**

<image001.gif>

Share  
Related To Story

<image003.jpg>

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**Anastas Letter**

Richard Greene to: Roger Wilmoth in Cincinnati  
Cc: Lawrence Starfield

08/17/2010 08:04 AM

Rog,

Received my letter yesterday... it was identical to yours. Interesting couple of points:

(1) We have now been told that EPA is not considering revisions to asbestos NESHAP. That has to mean that Administrator Jackson has become complicit in killing the research of the alternative, better method of protecting the American people from dangerous asbestos exposure.

(2) What, then, does the next to last paragraph mean when Anastas says the draft reports and issues raised are under "careful scientific review"? I feel sure his reference to "significant issues" is stealth for - we've zeroed in on justification for killing the AACM research.

Since he references his knowledge of my having served as a member of the previous political team, I am thinking about a response where I tell him that key members of congress and the senate are also aware of the AACM research and that they are prepared to become active in making inquiry into EPA's apparent denial of recognizing the benefits of the alternative method following the November elections.

I remain dismayed at the incredible length of time it took for them to reply to our correspondence. They could have written this nonsensical rejection the day after ours were received in May. This is real change for sure - the EPA used to respond quickly and now they have apparently changed to responding with classic federal bureaucratic slowness.

Richard Greene  
[mayorgreene@mac.com](mailto:mayorgreene@mac.com)

On Aug 14, 2010, at 12:25 PM, Roger Wilmoth in Cincinnati wrote:

I received this today. Only took five months to respond. I wonder how many iterations there were of this response and what it cost the Agency.

Rog

<Letter from Paul Anastas.pdf>

**Fw: Any news?**  
Lawrence Starfield to: Pat Gaspar

07/25/2010 08:49 PM

Pls print  
Sent by EPA Wireless E-Mail Services

**From:** Richard Greene [mayorgreene@mac.com]  
**Sent:** 07/25/2010 03:37 PM EST  
**To:** Roger Wilmoth in Elkins <roger\_wilmoth@msn.com>  
**Cc:** Lawrence Starfield  
**Subject:** Re: Any news?

Yes, Rog... all this is very remarkable.

The mere fact that no one at the United States Environmental Protection Agency will respond to correspondence, inquiry, or comment from a retired career senior scientist and a former presidential appointee is just amazing.

Actually, I think their silence makes them vulnerable to congressional or media inquiry but I suppose they are less worried about that than some substantive response to us which they know will be entirely refutable on the basis of applied science, research, data and conclusion.

The only presumption at the moment is they simply do not wish to take the time, commit the resources, and risk a total review of the asbestos NESHAP. The victims of this unconscionable behavior are the American people who are being denied the protection from a dangerous substance and other benefits of the AACM. There's a day of reckoning and accountability for this no matter how good of a case they are making for their manipulated scientific and regulatory conclusions and no matter how far they think they are sweeping this under the political rugs now spread out across the agency offices from DC to NC to OH to TX and beyond.

Richard

On Jul 25, 2010, at 1:14 PM, Roger Wilmoth in Elkins wrote:

Richard

I still have not received a response from the Agency on my letter. Nor I have I received any responses from my emails (except for Jim Hecker). Dave Ferguson has completed a revised draft and has sent it for review by the complaining offices. They assumedly will have a follow-up bitch session soon on why all their complaints weren't accepted ( such as leaving the description of the method out). The final decision on whether to publish will be made by Kevin Teichman and Paul Anastas (AA) with input from senior policy advisors from the other offices.

Unbelievable!!!!!!

Rog

AACM

**Fw: meeting today**  
Lawrence Starfield to: Pat Gaspar

06/30/2010 11:44 AM

Pls print  
Sent by EPA Wireless E-Mail Services

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**From:** Richard Greene [mayorgreene@mac.com]  
**Sent:** 06/30/2010 09:24 AM EST  
**To:** Roger Wilmoth in Cincinnati <roger\_wilmoth@msn.com>  
**Subject:** Re: meeting today

Rog

What an incredible travesty this is - and, an outrage that EPA staffers put their agenda (for whatever reason) ahead of the public interest - especially over something as dangerous as asbestos exposure.

I wish we could find an outlet to go public with this - media, national blogger, or something. These EPA obstructionists would deny the validity of our position that the research should continue, but they would at least be called out for what they are doing.

If NESHAP needs to be revised in ways beyond AACM, so be it. I thought it was the sworn duty of EPA employees to protect the public, not reduce their work load or relieve their headaches.

Travesty!

Richard

On Jun 29, 2010, at 8:43 PM, Roger Wilmoth in Cincinnati wrote:

Richard,

I understand that the meeting today was very disappointing. Clearly, OECA (Ann Strickland), OPEI (Charlotte Bertrand) with Chris Weis comprise the Chris Weis camp (they are the ones that lost the WRGrace Case). Chris hasn't liked us since a senior member of the Asbestos Coordination Team told us that he was the person leaking the information to the press and we asked about it. They basically nitpicked items that really had no bearing on the findings of the report, complained that things were wrong (e.g., statistics, sampler locations, etc) but couldn't suggest what was right, et cetera. They wanted the description of the AACM method removed from the document because they said that the peer reviewers wanted it removed (actually only Andy Oberta wanted it removed, the rest of the reviewers wanted it to remain). They did everything that they could to derail the publications. Kevin Teichman was milk toast and was unfortunately only in the call part time. They were polite when he was there and took the gloves off when he left the room. They want all the raw data (only one of them will know what to do with it (Mary Goldade, TEM analyst, region 8). I really can't ascertain their true motives. Charlotte is very much an environmentalist. She is obviously influenced by Chris Weis and they were rumored to have a very close relationship (professional of course). I am puzzled by Ann Strickland (lawyer from OECA) but she must feel that the existing NESHAP is in jeopardy.

OAQPS doesn't want any challenges to the NESHAP and doesn't want to revise it in any way. OECA doesn't want to lose any more cases. It is a huge cover your ass effort.

ORD is on a tight schedule, per Kevin, to provide a revised draft. Kevin was at least awake for this part. Some feel that if anything is published, it may be a year away ( and none of us will recognize it).

Rog

**Fw: Fwd: What do you think?**  
Lawrence Starfield to: Pat Gaspar

06/22/2010 04:58 PM

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Pls print  
Sent by EPA Wireless E-Mail Services

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**From:** Richard Greene [mayorgreene@mac.com]  
**Sent:** 06/22/2010 02:06 PM EST  
**To:** Lawrence Starfield  
**Subject:** Fwd: What do you think?

If the administrator can ignore and/or trash inquiries from former career scientist and political appointees then I suppose that lets everyone else off the hook of dealing with pesky citizens.

RG

Begin forwarded message:

**From:** Richard Greene <mayorgreene@mac.com>  
**Date:** June 22, 2010 2:03:32 PM CDT  
**To:** Roger Wilmoth in Cincinnati <roger\_wilmoth@msn.com>  
**Subject: Re: What do you think?**

This is terrific, Roger. Please send it on.

I wonder if this gathering is a giant ruse to make a record of why everything we have submitted that would support the continuation of the AACM research should somehow be discarded.

Another interesting thing regarding our correspondence with Administrator Jackson and others: While I was RA, I had to explain every Monday morning why our office was late, if we were, in responding to correspondence. The goal was zero failures to reply within the established time - even if the response was that we were not ready to respond - responding to the incoming mail was strictly enforced. In fact, if there was any discretion on priorities it was that those who disagreed with anything we were doing, or who had a complaint, or from someone who didn't like us - those letters got moved higher in the stack.

Change in the Obama Administration that results in ignoring inquiries made to the government doesn't seem like the right kind of change to me.

Richard

On Jun 22, 2010, at 12:55 PM, Roger Wilmoth in Cincinnati wrote:

Mayor,

I collated yours, mine, and Bob Smith's comments into the attached pdf file.  
I am seriously thinking of sending this to those (such as Dana Brown) who I know would send it worldwide. What do you think?

Rog

<Lisa jackson Binder6.pdf>



**Fw: AACM -- ORD Draft Responses - Publication question**

Ann Strickland, Patricia Erickson, Carl Mazza, Johnh Smith, Avi Garbow, Charlotte Bertrand, James Konz, Mike Fisher, Tom Seaton

06/25/2010 03:29 PM

**Lawrence Starfield** to: Adele Cardenas, edlund.carl, Kevin Teichman, Sally Gutierrez,  
Cc: fulton.scott, mccabe.catherine, Matt Bogoshian, Janet McCabe,  
Jim Jones, BREEN.BARRY

---

I've reviewed the draft letters on the AACM studies (below), and am concerned by the suggested language that we may decide "not to publish" these peer-reviewed reports. I worry that such an approach is not consistent with Agency principles.

Instead, I would suggest that we complete the assessment of the technical soundness of the reports, and if ORD concludes that the science was defective (which I don't believe to be the case), then we would make the report available with a cover memo explaining the Agency's findings, and our conclusion not to proceed further with this research. If ORD finds the science to be valid, then the report would be published without a memo, just like other peer reviewed reports.

Either way the reports would be available to the public for their assessment. Such an approach seems like the best way to validate our commitments to both sound science and transparency.

I'd be happy to participate in a DRA/DAA discussion of this issue, if Kevin thinks that would be worthwhile.

Larry

----- Forwarded by Lawrence Starfield/R6/USEPA/US on 06/25/2010 03:04 PM -----



**AACM -- ORD Draft Responses to E-mails/Letters from Greene, Wilmoth and Citizens' Groups/Unions**

**Ann Strickland** to: Patricia Erickson

06/25/2010 02:49 PM

Cc: Carl Mazza, Johnh Smith, Ann Strickland, Avi Garbow, Charlotte Bertrand, James Konz, Carl Edlund, Mike Fisher, Tom Seaton

---

Trish

Thanks so much for sending your draft letters for review and comment. I've attached red-lined copies of the drafts below. Please let me know if you have any questions, and again -- thanks so much for sending these for review.

Ann



ORD Draft Reply to Citizens' Group Letter (6.25.10).doc



ORD Draft Reply to Greene Letter (6.25.10).doc

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AACM

**Fw: AACM Documents**  
Lawrence Starfield to: Pat Gaspar

06/01/2010 07:42 AM

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Pls print  
Sent by EPA Wireless E-Mail Services

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**From:** David Ferguson  
**Sent:** 06/01/2010 06:43 AM AST  
**To:** Patricia Erickson; Adam Kushner; Adele Cardenas; Andrew Gillespie; Ann Strickland; Avi Garbow; Brenda Mallory; Carl Mazza; Charlie Garlow; David Ferguson; Howard Cantor; Janet McCabe; Keith Barnett; Lauren Drees; Lawrence Starfield; Louise Wise; Mike Fisher; Pam Mazakas; Patricia Embrey; Sally Gutierrez; Stiven Foster  
**Subject:** AACM Documents

There are two folders to access for this project on the ESC. The first folder contains the two AACM reports and the RTC (Response to Comments) document. The RTC document is comprehensive and incorporates all comments and ORD responses up to 10/22/2009.

The second folder contains individual comments. Per OCEA's request, I placed a subfolder into this folder with their comments. Please note that these comments and the latest responses are included in the comprehensive RTC document.

Finally, many members were able to click on the link to this project and sign in. At this point, for some unknown reason, they were not able to view the folders with the documents. If this was the case for you, try to sign on to the ESC without following the specific link to the project, then pick the AACM project. This has worked for several people. If you still cannot view the documents, I would suggest contacting your local computer support/help group.



**Fw: Information Update - Description has changed: Meeting to discuss  
Asbestos Removal Study**

Joyce Runyan to: Pat Gaspar

05/26/2010 03:04 PM

Cc: Sanchez.Connie

Pat:

Please print the attachments for Larry for the call tomorrow.

Thanks,

Joyce Runyan  
EPA Region 6  
Office of the Regional Administrator (6RA)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202  
(214) 665-2100 Main  
(214) 665-2150 Direct  
(214) 665-6648 Fax  
runyan.joyce@epa.gov

----- Forwarded by Joyce Runyan/R6/USEPA/US on 05/26/2010 03:03 PM -----



**Information Update - Description has changed: Meeting to discuss  
Asbestos Removal Study**

Thu 05/27/2010 2:15 PM - 3:00  
PM

Attendance is **optional** for Joyce Runyan

Chair: **Bob Sussman/DC/USEPA/US**

Sent By: **Georgia Bednar/DC/USEPA/US**

Location: 3309 ARN

**Bob Sussman** has sent updated information; description has changed

Required:

Al Armendariz/R6/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Gina  
McCarthy/DC/USEPA/US@EPA, Jim Jones/DC/USEPA/US@EPA, Kevin  
Teichman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Mathy  
Stanislaus/DC/USEPA/US@EPA, Mike Fisher/DC/USEPA/US@EPA, Pam  
Mazakas/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA

Optional:

Ann Campbell/DC/USEPA/US@EPA, Beth Zelenski/DC/USEPA/US@EPA, Carla  
Veney/DC/USEPA/US@EPA, Carolyn McDonald/DC/USEPA/US@EPA, Charles  
Imohiosen/DC/USEPA/US@EPA, Cindy Huang/DC/USEPA/US@EPA, Georgia  
Bednar/DC/USEPA/US@EPA, Janet Means-Thomas/DC/USEPA/US@EPA, Joyce  
Crowley/DC/USEPA/US@EPA, Joyce Runyan/R6/USEPA/US@EPA, Linda  
Huffman/DC/USEPA/US@EPA, Nathan Gentry/DC/USEPA/US@EPA, Nelida  
Torres/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA, Robin  
Kime/DC/USEPA/US@EPA, Teri Porterfield/RTP/USEPA/US@EPA, Venu  
Ghanta/DC/USEPA/US@EPA

Time zones:

This entry was created in a different time zone. The time in that time zone is: Thu 05/27/2010  
3:15 PM EDT4:00 PM EDT

Call-in:

1-866-299-3188  
code 2025649816



Lisa Jackson ltr.pdf



Letter to EPA re AACM reports.pdf



AACM\_1pager\_5-26-10.doc

RICHARD E GREENE  
Mayor of Arlington 1987 - 1997

May 23, 2010

Administrator Lisa Jackson  
U. S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Washington DC 20460

Re: Misleading the agency

Dear Administrator Jackson,

The purpose of this letter is to transmit the attached email message I sent to you on May 20, 2010, as I am told that EPA now puts a higher priority on regular mail and often ignores email messages. Therefore, please consider the attached as completing the text of this letter.

Since sending the message I have learned that OAQPS, OAR, and OGC have concealed certain files and findings of the AACM research – especially those containing data comparing the results of the AACM to traditional NESHAP methods of controlling the release of asbestos during demolition.

Further, I have been advised that the National Risk Management Research Laboratory has refused to publish the ORD comparison reports that reveal the superiority of AACM to traditional NESHAP practices.

References have been made to ongoing Libby litigation or other nonsensical and disingenuous excuses of why these files are being concealed.

Interestingly, these comparisons are obtained from monitoring and observing NESHAP demolition practices when it was known that such monitoring would occur. Can you imagine what the comparisons might look like if the monitoring was to be carried out, without prior notice, in more typical NESHAP demolitions? What we would learn is what we likely already know as documented in EPA publications that admit it is not possible to fully enforce NESHAP.

Apparently, even the inclusion of individuals with serious conflicts of interest on the peer review panels in direct violation of EPA ethical practice directives have not produced the result these operatives were looking for – a way to kill the AACM research. (The reason these conflicted individuals were allowed to serve was due to a ruling by EPA's general counsel that the agency's rules of ethical standards could not be imposed on contractors – EPA uses contractors to conduct peer reviews.)

I can't imagine more compelling evidence of the value of the AACM than to learn that this important information is being withheld from public view. Apparently, certain offices within EPA, together with the irrational opposition of certain

environmental organizations, labor unions and others are afraid if these files are released that such action would compel further research into the AACM or set into motion immediate rule making to add this option to NESHAP compliance.

Further, I am told that the EPA career scientist (now retired), who is the most knowledgeable EPA official on the subject of AACM, is preparing for you an item-by-item response to the great many errors, omissions, misrepresentations and fabrications contained in the May 17, 2010, letter you received from the several organizations attacking the AACM.

What is at stake here, Administrator, is nothing less than an EPA initiative to provide a higher level of protection for the American people from exposure to asbestos during demolition of dangerous old buildings which, if remain standing, themselves pose serious threats to their health, safety and welfare. And, the populations that are disproportionately exposed are often the poor and minority communities. (See further description of how this extraordinary risk is occasioned in the attached email.)

That knowledge of this breakthrough is being hidden from the American people is very wrong. Such a travesty is compounded not by some valid reason to withhold these files but by shameful reasons such as:

- Irrational disdain inside and outside of EPA for President George W. Bush and those who served in his administration – irrational because the AACM project is not an initiative of the Bush Administration but an initiative of the EPA beginning in the Clinton Administration and continued into the Obama Administration.
- Fear of loss of the financial largess in the demolition industries and those industries that train and certify asbestos workers occasioned by longstanding and inferior NESHAP practices.
- A desire by certain EPA offices, and the environmental organization that believes they control those offices, to prevent an objective review of the asbestos NESHAP apparently due to what is described as “too much work”.

I'm hoping that you will direct that all the information and all the comparisons from this important research is made publicly available consistent with President Obama's commitment to transparency in the handling of the people's business and your own demand that regulated entities and others not withhold nor conceal that which the American people have a right to see.

Respectfully,

Richard Greene  
Regional Administrator (R6)  
2003-2009

cc: Deputy Administrator Perciasepe

**Public Justice  
Natural Resources Defense Council  
Sierra Club  
AFL-CIO  
Building and Construction Trades Department, AFL-CIO  
International Association of Heat and Frost Insulators and Allied Workers  
Physicians for Social Responsibility  
Asbestos Disease Awareness Organization**

May 17, 2010

Administrator Lisa Jackson  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: EPA's Dangerous Experiments on Demolishing Buildings Containing Asbestos

Dear Administrator Jackson:

During the Bush Administration, several EPA officials advocated strongly to relax restrictions on the demolition of asbestos-contaminated buildings. They wanted to replace the Clean Air Act's protective method,<sup>1</sup> which requires removal of asbestos prior to demolition, with an unprotective "wet method" or Alternative Asbestos Control Method (AACM), which leaves the asbestos in place during demolition and uses water sprays to try to suppress asbestos contamination.

When the Obama Administration took office, we expected that this misguided experiment would end. The AACM does not work, and can potentially expose workers and nearby residents to asbestos. Asbestos is a known human carcinogen. Forty countries around the world have banned its use.

For these reasons, we are deeply dismayed to learn that the AACM is still being actively pursued as a research and regulatory priority, and that EPA may soon release two final test reports that mislead decision-makers and endorse this method. We understand that EPA staff are now reviewing the draft reports. They have discovered factual errors, failures to follow EPA procedures, and apparent inconsistencies with EPA regulations and policies, but EPA's Office of Research and Development (ORD) is still pushing the AACM method. We urge you to re-evaluate the accuracy of the draft AACM test reports and stop diverting agency resources to the consideration and development of this dangerous technique.

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<sup>1</sup> The federal work practice standards for removing asbestos from demolished buildings are prescribed by EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. § 61.145.

Administrator Lisa Jackson  
May 17, 2010  
Page 2

Here is a brief history of what has occurred to date. From 1999 to 2003, St. Louis officials used the wet method to demolish hundreds of asbestos-laden homes and buildings near the City's airport to make way for a new runway. When EPA Region 7 belatedly discovered this illegal practice, it failed to enforce the law and instead issued an administrative consent order, without any public notice to the affected community, that allowed the illegal demolitions to continue for another year. That order was later extended for another year, in violation of the one-year statutory limit on compliance deadlines in administrative compliance orders. A federal judge ruled in 2008 that the demolitions violated the asbestos NESHAP and the Clean Air Act.

Starting in about 2004, EPA officials in Region 6 and EPA's ORD repeatedly sought to test the AACM on various buildings around the country. The first test was to be done in June 2004 on the Cowtown Inn in Ft. Worth, in the middle of a low-income residential neighborhood, but strong opposition from local residents forced EPA to abandon that plan. At the time, EPA's Asbestos Coordination Team (ACT), composed of senior EPA scientists, strongly objected to the test, stating that it rested on "numerous assumptions that are not clearly supported by scientific studies."

EPA then moved the experiment in August 2004 to the Landscape Building at the St. Louis airport. The ACT "concluded that not only did the study design of the demolition limit the ability to generalize the results, but that the data indicate statistically significant downwind asbestos release and possible exposures during and following the wet demolition of the building." EPA's final May 2005 report on that test found that downwind air monitors "captured some asbestos fibers that were obviously released during the demolition process."

In April 2006, EPA demolished two abandoned army barracks in Ft. Chaffee, Arkansas, using the wet method on one barracks and the NESHAP method on the other. EPA's report on that April 2006 test concluded that the AACM released more asbestos and particulates into the air than did the NESHAP method. AACM1 Report,<sup>2</sup> pp. 81, 85.

Despite the failure of the St. Louis and Ft. Chaffee tests, former EPA officials at Region 6 and ORD persisted, and funded two more experiments. In July 2007 EPA conducted another test demolition at Ft. Chaffee (the AACM2 test), and in December 2007 EPA managed a test demolition at an Oak Hollow Apartment complex in the midst of a low-income, densely-populated residential area in Ft. Worth, Texas (the AACM3 test). In 2008, EPA solicited public comment on draft reports on those two tests.<sup>3</sup> The same former ORD official was the lead author

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<sup>2</sup> Wilmoth, *et al.*, Comparison of the Alternative Asbestos Control Method and the NESHAP Method for Demolition of Asbestos-Containing Buildings (the "AACM1 Report"), Jan. 25, 2008, available at <http://www.epa.gov/nrmrl/lrpcd/aacm/index.html>.

<sup>3</sup> Wilmoth, *et al.*, Evaluation of the Alternative Asbestos Control Method at Site Two (AACM2) for Demolition of Asbestos-Containing Buildings, July 21, 2008 (the "AACM2 Draft Report"); Wilmoth, *et al.*, Evaluation of the Alternative Asbestos Control Method at Site Three (AACM3) for Demolition of Asbestos-Containing Buildings, July 21, 2008 (the "AACM3 Draft Report"). See 73 Fed. Reg. 42573 (July 22, 2008).

Administrator Lisa Jackson

May 17, 2010

Page 3

on both reports, and claimed that the tests were effective in preventing any significant release of asbestos.

As we show below, that claim is disproved by the data cited in the reports themselves. But the data are buried in the reports beneath complex statistical calculations that falsely seek to claim success. The Ft. Chaffee and Ft. Worth data show that each demolition released asbestos to the air, water and soil. It is the official EPA position that there is no known safe level of asbestos exposure, and all exposures must be avoided. However, in situations where EPA has had to clean up existing asbestos contamination, such as Libby, Montana, EPA has set the action level for settled dust in residential structures at 5,000 asbestos structures per cubic centimeter ( $s/cm^2$ ).

- At the Ft. Chaffee site, 70% of the settled dust samplers detected asbestos releases. The contaminated water was found to contain 130 billion asbestos structures per liter (s/L). A pavement sample measured 19,400  $s/cm^2$ .
- At the Ft. Worth site, 16 of the 18 perimeter air monitors were positive for asbestos. On balconies adjacent to the test, dust monitors measured over 5,000  $s/cm^2$ , which exceeds the Libby action level. After demolition and "decontamination," the building slab contained 1,100,000  $s/cm^2$ .

In addition to these significant contamination levels, the AACM tests raise troubling issues about quality control and scientific integrity:

- Human Experimentation. EPA violated its own rule requiring informed consent and Institutional Review Board approval before experiments are conducted which obtain data through interaction with human subjects. 40 C.F.R. § 126.102(f)(1). The demolition workers wore personal monitors and EPA collected and used that monitoring data in its reports.
- OSHA Noncompliance. Photographs in the draft reports show workers without any protective gear standing near the air monitors and sampling the soil and contaminated slab, in violation of OSHA standards. E.g., AACM3 Draft Report 33, 34, 49, 51, 53; AACM2 Draft Report 17. Photographs also show workers doing Class 1 work (removing popcorn ceilings) with Class 2 protective gear (half-masks instead of full masks with supplied air). Id. at 52, 57, 60. All of the filter masks worn by workers during cleanup/equipment decon were overloaded, thereby preventing an accurate measure of asbestos exposure. Id., Table 13-11. Nothing in the report indicates that EPA conducted required short-term excursion monitoring. EPA also violated its own procedures because the Health and Safety Plans for both the Ft. Chaffee and Ft. Worth tests were unsigned and not reviewed by responsible officials.

Administrator Lisa Jackson  
May 17, 2010  
Page 4

- Unpermitted Discharges. At Ft. Chaffee, EPA discharged asbestos-contaminated waste water to a public sewer system without a permit and without first measuring the amount of contamination. Prior to discharge the water contained 130 billion s/L. EPA filtered the water but does not know if the filters worked.
- Averaging Lab Data. Air sampling data from the Ft. Chaffee test was sent to three different labs, which obtained inconsistent results. Rather than relying on EPA's primary lab or the highest result, the results from all three labs were "averaged" together. AACM2 Draft Report 79-82, 88. This has the effect of smoothing out and therefore understating the risks.

We believe that it is urgent to conduct an objective analysis of the data before the reports are finalized and before they represent the Obama administration's endorsement of a dangerous change in asbestos removal practices in this country. The draft reports released to the public are designed to mislead and are based on shoddy science. EPA knocked down little buildings with little asbestos and got big releases. Using these reports to change the asbestos rules would endanger workers and families and other residents of American communities, especially low-income and minority communities with higher relative concentrations of older housing and commercial buildings more likely to contain asbestos. EPA's own Office of Air and Radiation has strongly opposed the AACM's weakening changes to the current NESHAP standard, but other offices are still pushing for a change.

As you are aware, there are bills pending in Congress to ban, and reduce human exposure to, asbestos. We do not believe that the AACM and related efforts to weaken the asbestos NESHAP can be reconciled with the Congressional motivations for this legislation. We are certain that Congress and the public would be deeply concerned to learn that EPA could be endorsing a practice riven with the shoddy practices and notorious history of the AACM, an experiment savaged by external peer reviewers and internal criticism alike, while still resulting in exposure levels higher than EPA's own action level for the infamous Libby, Montana asbestos tragedy.

We therefore request that you investigate and prevent these misleading reports from being released with the endorsement of the Obama administration. As a first step, to maximize transparency, we respectfully ask that you release for public review and comment all internal EPA and external peer review comments concerning the AACM, its various tests and reports, before any final report is issued. If the few proponents of the AACM inside EPA stand by the experiment, then they should have no concerns with the public release of internal and external peer review discussions of the method; there should be nothing to hide.

Administrator Lisa Jackson  
May 17, 2010  
Page 5

We sincerely appreciate your attention to these very important matters, and continue to be grateful for your stewardship of EPA and the country's public health and environmental laws.

Sincerely,

Jim Hecker  
Environmental Enforcement Director  
Public Justice  
1825 K Street, NW, Suite 200  
Washington, DC 20006

John Walke  
Clean Air Director  
Natural Resources Defense Council  
1200 New York Avenue, NW  
Suite 400  
Washington, DC 20008

Ed Hopkins  
Director, Environmental Quality Program  
Sierra Club  
408 C Street, NE  
Washington, DC 20002

Kristen Welker-Hood, ScD MSN RN  
Director, Environment and Health Programs  
Physicians for Social Responsibility  
1875 Connecticut Avenue, NW, Suite 1012  
Washington, DC 20009

Linda Reinstein  
President/CEO and Co-Founder  
Asbestos Disease Awareness Organization  
1525 Aviation Boulevard, Suite 318  
Redondo Beach, CA 90278

Peg Seminario  
Director, Safety and Health  
AFL-CIO  
815 16th Street, NW  
Washington, DC 20006

Pete Stafford  
Director of Safety and Health  
Building and Construction Trades  
Department, AFL-CIO  
8484 Georgia Avenue  
Suite 1000  
Silver Spring, MD 20910

Terry Lynch  
International Vice President  
Health Hazard Administrator  
International Association of Heat and Frost  
Insulators and Allied Workers (formerly  
Asbestos Workers)  
9602 M.L. King Jr. Hwy  
Lanham, MD 20706

perimeter samples each contained one PCME-sized structure. Conclusions on secondary objectives describe asbestos concentrations in other media and in worker breathing zones. They also compare time and cost of the actual AACM demolition with estimates for NESHAP demolition.

- o AACM 3 – Fort Worth, TX – AACM demolition of a building with asbestos in textured ceiling and troweled-on surfacing.

Conclusions in the most recent draft report on primary objectives are that airborne asbestos concentrations (TEM) in perimeter samples were not statistically different from background; the seven of 72 samples above the detection limit ranged from 0.0015 to 0.0030 s/cm<sup>3</sup>. Of 12 samples outside the perimeter, one exceeded the detection limit at 0.0034 s/cm<sup>3</sup>. Conclusions on secondary objectives describe asbestos concentrations in other media and in worker breathing zones. They also compare time and cost of the actual AACM demolition with estimates for NESHAP demolition.

The draft reports for AACM 2 and 3 underwent internal review, external peer review, and public comment together. The external peer review meeting was held in September, 2008.

- o AACM 2 and 3 revised reports and draft response to comments were again circulated for cross-office EPA review in December 2008 with comments due in January 2009. OGC and OAR provided some feedback in January.
  - o OECA raised concerns related to litigation and requested a time extension; new due date established as 3/20/09. Started a 2-step review to first resolve OECA issues, then provide final review opportunity for OAR, OGC, and OSWER.
  - o OECA comments received 5/1/09. Conference call held 9/28/09.
  - o Documents were revised 10/22/09 and sent for review by OAR, OGC, and OSWER beginning 10/30/09.
  - o Conference call held with OAR 1/29/10 on status.
- o On 5/24/10, the most recent versions of the documents (10/22/09), as well as actual and proposed responses to various sets of comments, were posted to an internal Science Connector project for final cross-office review.

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**Fw: AACM Meeting this Friday @ 2:30pm**  
Lawrence Starfield to: Al Armendariz

05/20/2010 03:16 PM

Al,

This was originally set up as a meeting of senior career staff to discuss the process for bringing review of this report to closure (OAQPS has been reluctant to finalize their review). I was going to make the point that this was a peer-reviewed report, and in the name of transparency and good science, we really should make the report public. That does not commit the Agency to doing anything with the report, such as a rulemaking change. That would require another, longer process.

Now that the NGO letter has come in (as well as Richard Greene's letter), the meeting is taking on more of a policy bent, and Bob Sussman is attending. Perhaps you'd like to attend?

Larry

----- Forwarded by Lawrence Starfield/R6/USEPA/US on 05/20/2010 03:07 PM -----



**Fw: AACM Meeting this Friday @ 2:30pm**

Lawrence Starfield to: Al Armendariz

05/19/2010 02:40 PM

Cc: Adele Cardenas, edlund.carl

Al,

FYI -- long anticipated meeting on the asbestos reports. Here's the letter from NGOs:



Letter to EPA re AACM reports.pdf

Larry

----- Forwarded by Lawrence Starfield/R6/USEPA/US on 05/19/2010 02:38 PM -----



**AACM Meeting this Friday @ 2:30pm**

**Nathan Gentry** to: Adam Kushner, Barry Breen, Beth  
Craig, Brenda Mallory, Lawrence  
Starfield, Louise Wise, Matt  
Bogoshian

05/19/2010 02:06 PM

Cc: Cindy Huang, Carolyn McDonald, Connie Sanchez

I had originally scheduled this DAA meeting for June 2, but because of the letter the Agency received from multiple environmental groups on the subject of wet asbestos removal, Bob Sussman and Kevin Teichman have asked that this meeting take place much sooner. I've tried to find a time that works with

## Alternative Asbestos Control Method (AACM) AACM Project May 26, 2010

### Background

The Alternative Asbestos Control Method (AACM) is an alternative method to the National Emissions Standard for Hazardous Air Pollutants (NESHAP) work practice for demolishing structures with friable asbestos-containing materials. The concept of an alternative to the asbestos NESHAP work practice standard began as a Project XL (eXcellence in Leadership) proposal submitted by the city of Fort Worth, TX to Region 6 in 1998. Citing cost as a major impediment to demolishing dilapidated structures, it was projected that the AACM, which entails less pre-demolition abatement of friable asbestos-containing materials than the NESHAP practice, could serve as a less expensive, albeit equally safe, method of demolition. After an unsuccessful attempt to use the AACM to demolish a dilapidated structure in Fort Worth due to public concerns, ORD and Region 6 employed the method to demolish a structure in Fort Smith, AR in May, 2006. This demolition project was followed by two more in 2007, one in Fort Smith and one in Fort Worth. Air and soil monitoring results taken during the demolitions were used to determine whether the AACM could reliably meet the current emission standard under the NESHAP while facilitating timely demolition of abandoned, dilapidated buildings.

The results of the first demolition study (AACM 1) received public comment and underwent external peer review before being published online in January, 2008. The results of the second and third studies (AACM 2 and AACM 3) also received public comment and underwent an external peer review together in September, 2008.

### AACM Method

The AACM involves removing most friable asbestos-containing materials from a structure before demolition, but allowing some asbestos containing materials (primarily wall systems) to remain in place, with emissions to be controlled by the addition of amended water. Once the most friable asbestos-containing materials are removed, the AACM demolition proceeds using amended water suppression before, during and after demolition, to trap asbestos fibers and minimize their potential release to the air. Wastewater generated during the demolition is collected, and all contaminated materials are disposed as asbestos-containing waste. In addition, after demolition and removal of demolition materials, soil is removed to ensure that no residual asbestos soil contamination remains at the site.

### Milestones/Conclusions

- AACM 1 – Fort Smith, AR – paired NESHAP and AACM demolition of buildings containing asbestos in wall systems and floor tile. The project began with an invitation memo sent 8/3/05 by Bill Farland to OAR, OECA, OPEI, OPPTS, ORD, OSWER, IG, GC, and Regions 2, 6, 7, and 8 to participate in planning. The draft report underwent external peer review, public comment, and extensive internal review by multiple offices before being published in January, 2008.

For primary objectives, the final report concluded that airborne asbestos measured by transmission electron microscopy (TEM) was slightly higher for AACM than for the NESHAP demolition ( $0.0019 \text{ s/cm}^3$ ,  $0.0005 \text{ s/cm}^3$ ). Post-demolition soil asbestos concentrations were lower for AACM than for NESHAP demolition. The NESHAP demolition cost \$108K and the AACM demolition cost \$58K. Conclusions on secondary objectives include comparison of asbestos concentrations in other media and worker breathing zones, as well as comparing time for AACM and NESHAP demolitions.

- AACM 2 – Fort Smith, AR – AACM demolition of a building with asbestos-containing siding.

Conclusions in the most recent, revised draft report on primary objectives are that airborne asbestos fiber concentrations (TEM) in perimeter samples appeared slightly higher than background although a statistical difference was not found. The five perimeter detections ranged from  $0.0017$  to  $0.0052 \text{ s/cm}^3$ . Two



**Fw: The Alternative Asbestos Control Method (AACM)**  
Lawrence Starfield to: Pat Gaspar

05/26/2010 10:27 AM

pls print

----- Forwarded by Lawrence Starfield/R6/USEPA/US on 05/26/2010 10:27 AM -----



**FW: The Alternative Asbestos Control Method (AACM)**

Roger Wilmoth in Elkins to: LisaP Jackson

05/26/2010 09:51 AM

Dear Administrator Jackson,

I did not solicit this response from Bob Smith. He was simply one of the individuals to whom I forwarded my letter to you about the AACM. Bob is vice president of an engineering firm in Arkansas who performed the building asbestos assessments on AACM1, AACM2, and also on some of our work on Katrina. Please consider his remarks carefully.

Sincerely,

Roger Wilmoth

From: Bob Smith [mailto:bsmith@eegonline.com]  
Sent: Tuesday, May 25, 2010 4:19 PM  
To: jwaldo@eegonline.com; 'Henry Gonzalez'; 'Cindy Smith'; 'Tara Patton'; 'Mike Cole'; kzimmerman@eegonline.com  
Cc: 'Roger Wilmoth in Cincinnati'  
Subject: FW: The Alternative Asbestos Control Method (AACM)

Guys,

I would like all of you to read the "Lisa Jackson" attachment to this email. All of you were either directly or indirectly involved with the AACM 1 and 2 projects that occurred at Fort Chaffee. Currently, this is apparently a very heated issue in Washington. As you know, Roger Wilmoth has retired from USEPA. However, he caught wind of an effort to discredit the AACM of which EEG was involved. Roger has sent this letter to the Administrator of USEPA. In it, he is addressing the statements of a Mr. Hecker from the Public Justice Department who says he is representing the Natural Resources Defense Council, several trade groups and portions of the AFL-CIO.

Based on my first hand knowledge of the AACM 1 & 2 projects and the analytical results, Mr. Hecker is a misguided soul who is ignorant of the facts and is simply grasping at straws to try and make his point. In reality, I truly believe he thinks he is trying to protect the "old guard". His apparent goal is to not upset the apple cart and keep things the way they have always been. This way, asbestos issues in abandoned buildings will be handled by abatement contractors utilizing standard NESHAP protocols. If he is successful, buildings deemed to be in imminent danger of collapse will be demolished by simple wet methods leaving asbestos behind in the water and soil.

The intent of the AACM research was to prove or disprove whether the AACM could control asbestos in buildings that are being demolished. Roger told me to my face, "Bob, I don't care if the method works or not. We are here to find out. But by God, the science better be right." So, that's how we went about our job. There was no intent to lessen the amount of abatement work. There was no spin put on anything. In reality, the AACM will most likely increase the amount of work for abatement contractors by addressing asbestos laden buildings that would otherwise stand and rot, bringing surrounding property values down.

Another AACM fact that has been proven by default is that the water left behind on a NESHAP wet demo is heavily laden with asbestos. The AACM removes and filters this water. In addition the AACM removes three inches of soil. NESHAP wet demo protocols do not address the water or soil. So, regardless of what anyone's misguided opinion is, NESHAP wet demo methods are not as safe as AACM on the environment. The research group proved it. James and I were there and we later reviewed all the analytical data. Coincidentally, it was also proven that the AACM is safer for the people doing the demo. Thanks for letting me vent and for your continued hard work at EEG.

Best Regards,

Bob Ed Smith

Vice President

EEG, Inc.

Please visit us on line at [www.eegonline.com](http://www.eegonline.com)

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From: Roger Wilmoth in Cincinnati [mailto:roger\_wilmoth@msn.com]  
Sent: Tuesday, May 25, 2010 8:33 AM  
To: Alva at work ; at home DAVID EPPLER ; Bob Ed Smith ; DAVID CLEVERLY ; Janet Menshek ; JOHN KOMINSKY ; Kathleen Meier ; MARK HANSEN ; MICHAEL GANGE ; Mike Gange ; PHYLLIS MCKENNA ; MARILYN JOOS  
Subject: FW: The Alternative Asbestos Control Method (AACM)

From: Roger Wilmoth in Cincinnati [mailto:roger\_wilmoth@msn.com]  
Sent: Monday, May 24, 2010 6:45 PM  
To: 'jackson.lisa@epa.gov'  
Subject: The Alternative Asbestos Control Method (AACM)

Dear Administrator Jackson,

I am forwarding under separate cover the attached discussion of the need, as I perceive it, to proceed with consideration of the Alternative Asbestos Control Method (AACM) and certainly with the publishing of the extensively peer-reviewed reports on AACM2 and AACM3. I have also enclosed my comments on the May 17th letter to you from Jim Hecker, et al. Please give these your serious consideration. It was my pleasure to work on the AACM in my last years before retirement ( after 42 years) at EPA. I am dismayed at the undeserved negative attention that the AACM has drawn from parties that appear less-than-objective (an understatement) and I would love the opportunity to share with you and your senior staff the potential merits ( as well as limitations) of the process, particularly relating to environmental justice areas. As an avid Obama supporter, I am certainly pleased with the direction that the environmental concern is going and I am more than sympathetic for the challenges that you face in this tough economic situation. I can only imagine how dire the situation is in the environmental justice locales.

I have property both in Cincinnati and in Elkins, WV (where I am from). I previously discussed our work on the AACM with a Cincinnati official who said "If you are going to influence a revision of the asbestos NESHAP, please include a restriction that demolitions can't be done at night or on weekends, because that is when most of our demolitions take place - -when our inspectors are not there). In Elkins, WV, I have witnessed my high school building stand vacant for years and years as it decayed because the school district did not have funds to demolish it and a major cost factor

was the removal of asbestos. Thank goodness it was finally demolished last month. Hopefully they received federal funds to help with this demolition.

I hereby offer to brief you, to assist in an ORD briefing to you, or to be available to answer any questions that you may have ( as well as I can of course) on the AACM topic and the promise (and shortcomings) of the technology. Since unlike the authors of the Hecker letter I have nothing to gain from any of this, you might appreciate a fair assessment.

Sincerely yours

Roger Wilmoth

513-226-4488

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*LAST TWO  
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NOT SEE THEM;  
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Dear Administrator Jackson,

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Sincerely,

Roger Wilmoth

**From:** Bob Smith [mailto:[bsmith@eegonline.com](mailto:bsmith@eegonline.com)]  
**Sent:** Tuesday, May 25, 2010 4:19 PM  
**To:** [jwaldo@eegonline.com](mailto:jwaldo@eegonline.com); 'Henry Gonzalez'; 'Cindy Smith'; 'Tara Patton'; 'Mike Cole'; [kzimmerman@eegonline.com](mailto:kzimmerman@eegonline.com)  
**Cc:** 'Roger Wilmoth in Cincinnati'  
**Subject:** FW: The Alternative Asbestos Control Method (AACM)

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Best Regards,

Bob Ed Smith

Vice President

EEG, Inc.

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**From:** Roger Wilmoth in Cincinnati [mailto:roger\_wilmoth@msn.com]  
**Sent:** Tuesday, May 25, 2010 8:33 AM  
**To:** Alva at work ; at home DAVID EPPLER ; Bob Ed Smith ; DAVID CLEVERLY ; Janet Menshek ; JOHN KOMINSKY ; Kathleen Meier ; MARK HANSEN ; MICHAEL GANGE ; Mike Gange ; PHYLLIS McKENNA ; MARILYN JOOS  
**Subject:** FW: The Alternative Asbestos Control Method (AACM)

**From:** Roger Wilmoth in Cincinnati [mailto:roger\_wilmoth@msn.com]  
**Sent:** Monday, May 24, 2010 6:45 PM  
**To:** 'jackson.lisa@epa.gov'  
**Subject:** The Alternative Asbestos Control Method (AACM)

Dear Administrator Jackson,

I am forwarding under separate cover the attached discussion of the need, as I perceive it, to proceed with consideration of the Alternative Asbestos Control

Method (AACM) and certainly with the publishing of the extensively peer-reviewed reports on AACM2 and AACM3. I have also enclosed my comments on the May 17<sup>th</sup> letter to you from Jim Hecker, et al. Please give these your serious consideration. It was my pleasure to work on the AACM in my last years before retirement ( after 42 years) at EPA. I am dismayed at the undeserved negative attention that the AACM has drawn from parties that appear less-than-objective (an understatement) and I would love the opportunity to share with you and your senior staff the potential merits ( as well as limitations) of the process, particularly relating to environmental justice areas. As an avid Obama supporter, I am certainly pleased with the direction that the environmental concern is going and I am more than sympathetic for the challenges that you face in this tough economic situation. I can only imagine how dire the situation is in the environmental justice locales.

I have property both in Cincinnati and in Elkins, WV (where I am from). I previously discussed our work on the AACM with a Cincinnati official who said "If you are going to influence a revision of the asbestos NESHAP, please include a restriction that demolitions can't be done at night or on weekends, because that is when most of our demolitions take place - -when our inspectors are not there). In Elkins, WV, I have witnessed my high school building stand vacant for years and years as it decayed because the school district did not have funds to demolish it and a major cost factor was the removal of asbestos. Thank goodness it was finally demolished last month. Hopefully they received federal funds to help with this demolition.

I hereby offer to brief you, to assist in an ORD briefing to you, or to be available to answer any questions that you may have ( as well as I can of course) on the AACM topic and the promise (and shortcomings) of the technology. Since unlike the authors of the Hecker letter I have nothing to gain from any of this, you might appreciate a fair assessment.

Sincerely yours

Roger Wilmoth

513-226-4488

Roger C. Wilmoth  
5786 Observation Ct  
Milford, OH 45150

April 1, 2010  
Revised May 24, 2010

Honorable Lisa M. Jackson, Administrator  
USEPA  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: Alternative Asbestos Control Method (AACM)

Dear Administrator Jackson,

Until my retirement from EPA last February, I was the EPA and ORD technical lead for the research conducted by ORD and cooperating program offices on the Alternative Asbestos Control Method (AACM). As background, I was also the ORD asbestos advisor to OECA and to Region 6 for the Katrina/Rita response. I served as a branch chief in ORD for many, many years, receiving seven bronze medals for commendable service and a Vice-Presidential commendation; all of which were for work in asbestos.

The purpose of the AACM research was to compare the effectiveness of the AACM concept with the existing asbestos NESHAP demolition practices. The Alternative Asbestos Control Method (AACM saturates the interior and exterior of the buildings containing asbestos with amended water containing a penetrating wetting agent (surfactant), leaves some asbestos in place during the demolition while continually wetting with the surfactant-containing water, continues the application during haul off, and then removes about three or more inches or so of soil from the site at the completion of the demolition. Traditional NESHAP methods (when compliance is achieved) use ordinary water in wetting – the AACM represents an advance in technology that potentially adds a new level of safety to demolition of asbestos-containing buildings. This concept was first developed by the City of Fort Worth and was improved upon by ORD with input from all the major EPA program offices (most notably Region 6). We conducted three significant research evaluations using the AACM. Each of the three had exhaustive internal and formal external peer-review and public participation every step of the way.

The first of these was a side-by-side AACM vs NESHAP demolition at Fort Chaffee. The final report was formally peer-reviewed and has been published by the Agency. The findings here were significant:

- 1. The AACM cost half as much as the NESHAP process.**
- 2. The AACM was six times faster than the NESHAP process.**
- 3. The potential for worker exposure was far less for the AACM than for the NESHAP.**
- 4. Soil contamination was far less for the AACM than for the NESHAP, because of the soil removal requirement of the AACM.**

The second and third studies were single structures that were demolished by the AACM to evaluate the effectiveness of the technology on different building configurations and asbestos material types. These reports were formally peer-reviewed with public participation and public meetings and the reports revised to address the peer-review comments. All this was completed by me over a year ago at the time of my retirement and all changes were coordinated with OAQPS and OGC, with wording often supplied by them and accepted and incorporated by me.

Overall, we found there were many advantages to the AACM as an alternative process to (not a replacement of) the existing asbestos NESHAP, which has not been revisited since the mid-eighties.

Most notably, the AACM offered these potential advantages:

- 1. Possible significant cost reductions (as much as 50 percent in some cases). However, the AACM could potentially cost more than the NESHAP in some applications.**
- 2. Significantly faster.**
- 3. Significant reductions in potential worker exposure.**
- 4. THE AACM requirement for soil removal was far more environmentally protective than the NESHAP and would have been very useful in emergency situations (such as Katrina).**

I was told the problem in this research lay with OAQPS who adamantly opposed the research because:

1. OAQPS didn't want to revisit the NESHAP.
2. OAQPS had other priorities.
3. OAQPS and OECA didn't want to endanger ongoing enforcement actions concerning the NESHAP by providing data that might somehow be interpreted as detrimental.
4. OAQPS didn't want to irritate John Walke of NRDC, who reportedly threatened to additionally sue EPA if work continued on the AACM, which he considered to be lower in his priorities.

The final reports of the AACM2 and AACM3 have yet to be released. Because of my experience with the research program during my tenure, I presume the delay to be due to continued stonewalling on the part of OAQPS at the continued direction of Peter Tsigotis. *I encourage you to initiate the rapid release of the documents.*

Research on this topic began under the Clinton administration with a Project XL effort between OPEI and the City of Fort Worth. These Democratic administration-initiated studies were adopted by and became a very high priority of the previous Republican administration and were led by Richard Greene, the previous Region 6 Administrator. I am a staunch Democrat and Obama/Biden supporter. As such I was very pleased to find Mayor Greene to be extremely competent, dedicated, and very well-meaning. I was honored to have served with him. Within ORD, I received strong support from Bill Farland, Tim Oppelt, Sally Gutierrez, and Kevin Teichman (senior career EPA employees) during this research effort.

Also, in reference to demolition of asbestos-containing structures under the imminent danger of collapse provisions of the asbestos NESHAP, none of the asbestos can be removed from these structures prior to demolition because of the safety considerations for workers. It is logical that some of the asbestos disturbed during the emergency demolition is transferred into the soil and/or runs off the site with the dust suppression water. In cities where buildings are abandoned because it is no longer profitable for the owners to maintain them, these structures often revert to the city because of non-payment of taxes and then the city is faced with the demolition and attendant costs of asbestos removal, which is very expensive, and subsequent building demolition. It is not unusual for the cities, because of a lack of funds, to permit the structures to deteriorate to the point that they can be declared "structurally unsound and in imminent danger of collapse" so that the asbestos does not have to be removed prior to demolition. During this process, the neighborhoods further deteriorate and the structures become drug houses and crime centers and are a blight on the area. ***This is a huge environmental justice issue.***

***I therefore implore you to consider adopting the AACM at least for emergency demolition situations where the structurally unsound and in imminent danger of collapse provisions of the asbestos NESHAP must be employed.***

I further encourage you to schedule a face-to-face briefing from ORD on this promising technology. I would consider it an honor to participate in this briefing in any fashion at my own expense.

After drafting this letter, I had the displeasure to review a copy of the May 17 letter to you from Jim Hecker of Public Justice, et al concerning the AACM. Even though I am retired, I felt compelled to respond. My comments on the Hecker letter follow in red, plus I have added responses in red to the text of that letter (Attachment One). I have highlighted some of their most alarmist text in yellow in the Attachment. Please forgive the repetition.

***This letter from this group of people is unbelievable. It is filled with intentional misrepresentations and outright fabrications, all aimed at misleading readers who are not informed about the AACM results. And some of the purposeful misrepresentations had to***

*come from staff within EPA. When OAQPS tries to squash a promising technology to placate the wishes of NRDC, there is something wrong with this picture; and when OAQPS further enlists assistance from legal staff to identify any issues that could be used to denigrate the program, this is equally bad. When NRDC wants a program squashed so badly that they reportedly wouldn't even accept an offer to be briefed on it by knowledgeable EPA staff, there is something wrong with NRDC. When Public Justice attacks a program that might be beneficial to environmental justice areas, something is wrong with that.*

*The Nation is in the middle of an enormous and disastrous economic crises. This economic situation only exacerbates the existing problem of abandoned buildings. Building owners, particularly in environmental justice areas, face decreasing property values and often (e.g., Detroit, Baltimore, et al) tend to abandon their property rather than pay the cost of demolition, particularly since almost all the buildings contain asbestos and would require the NESHAP demolition process (which can be a major cost of the demolition). The cities are then faced with foreclosing on the properties and assuming ownership and they increasingly do not have the funds to do the asbestos removal/demolition, so the structures stand vacant and decay- - and become drug houses and crime centers and further denigrate the neighborhood. Ultimately, the structures deteriorate to the point that they can be condemned. This appears to be a strategy by many economically-strapped cities, both big and small. The structures can then be demolished at far lower economic cost without removing ANY asbestos-containing materials. There is an ultimate penalty involved here however; the cost to the environment and potential cost to public health. And there are social issues as well - -the poor and underprivileged who live in the neighborhoods are disproportionately affected. You would think that Public Justice would be all over this!*

*An immediate use for the AACM would be for catastrophic situations like hurricanes, floods, or tornadoes where the structures must be torn down by the NESHAP imminent-danger-of-collapse provision (leaving all asbestos in-place). The results of the AACM1 vs NESHAP tests showed that the NESHAP process increased the soil asbestos content. One can logically surmise that NESHAP imminent-danger-of-collapse demolitions increase the soil asbestos content (or runoff asbestos content if paved) far more than the standard NESHAP demolitions that have an abatement phase. Therefore I fear that these imminent-danger-of-collapse demolitions are leaving contaminated soil. Since one aspect of the AACM is that three or more inches of soil must be removed, the AACM would be far more protective from that perspective alone.*

*I am in the process of comparing existing, published TEM (transmission electron microscope) data from demolitions. There is not a lot of this but there is some. First, I summarized and simplified results from the three AACM tests which demolished the four buildings (AACM1 NESHAP, AACM1, AACM2, and AACM3):*

- *The airborne asbestos concentrations measured in the perimeter ring by transmission electron microscopy (TEM) during the AACM1 NESHAP and the three AACM demolition process were orders of magnitude below any existing EPA criterion.*
- *Most of the airborne asbestos (TEM) concentrations for the AACM1 NESHAP and for three AACM studies were near or below the limit of detection, which was 0.0015 s/cm<sup>3</sup>.*
- *No visible emissions were observed by EPA staff during the AACM1 NESHAP or during the three AACM demolition processes.*
- *Asbestos was detected in most of the perimeter settled dust samples surrounding the NESHAP and the three AACM demolitions.*
- *The NESHAP process increased the asbestos in the soil. The AACM process decreased the asbestos in the soil.*
- *The worker breathing zone asbestos (TEM) concentrations were significantly higher for the NESHAP process than for each of the three AACM demolitions. During the AACM1 NESHAP abatement phase, one worker reached the OSHA PEL (permissible exposure limit) as determined by Phase Contrast Microscopy (PCM) but no workers during the three AACM tests approached the OSHA PEL.*
- *Deterioration of asbestos-cement materials (such as transite siding) on buildings contributed significant asbestos to the surrounding environment (pavement in the case of AACM2 and likely to the soil). The AACM process reduced this significantly. Neither soil removal nor pavement cleaning is a requirement of the NESHAP.*
- *Containment of water is an important aspect of the AACM process as the water asbestos concentrations were as high as 100 billion s/L. Water containment is not required by the NESHAP.*
- *The time requirement for the NESHAP was far greater than the time required for each of the three AACM demolitions.*
- *Estimates of the cost of the NESHAP process ranged from twice as expensive as the AACM process to costing slightly less than the AACM process in the three AACM tests.*

*Secondly, I compared the AACM data results with the results from other studies where TEM was employed to analyze the asbestos. These previously published data include sites monitored by myself, by EPA ORD staff, by EPA contractors, by the Army Corps of Engineers, by the Lambert/St. Louis Airport, and by the University of Alaska Fairbanks:*

- *Typically, the AACM TEM airborne asbestos concentrations (both average and maximum) were about an order of magnitude or more below those observed for the other*

processes, including full NESHAP and NESHAP structurally unsound and in imminent danger of collapse provisions.

- The worker breathing zone asbestos concentrations for AACM workers were significantly lower than those observed for the other processes, including full NESHAP and NESHAP structurally unsound and in imminent danger of collapse provisions and including landfill workers.

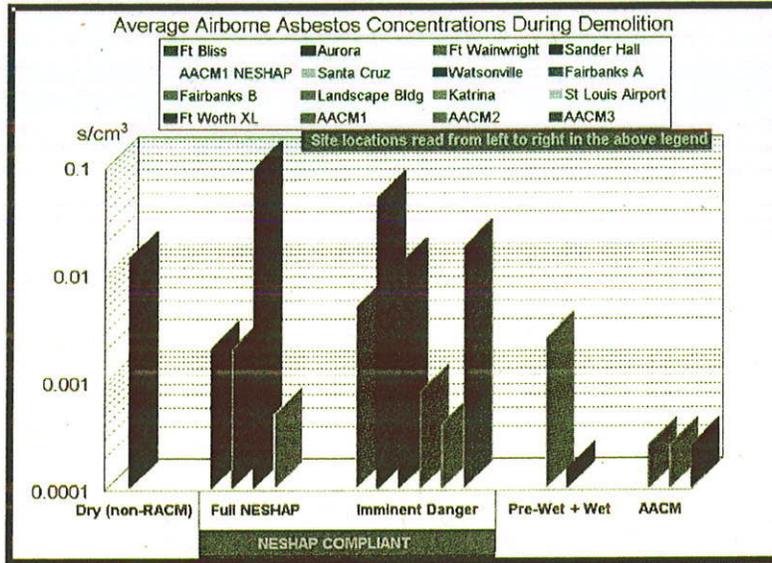
A simplified comparison of results is presented in the following Table.

**SIMPLIFIED RESULTS FOR THE BUILDING DEMOLITIONS**

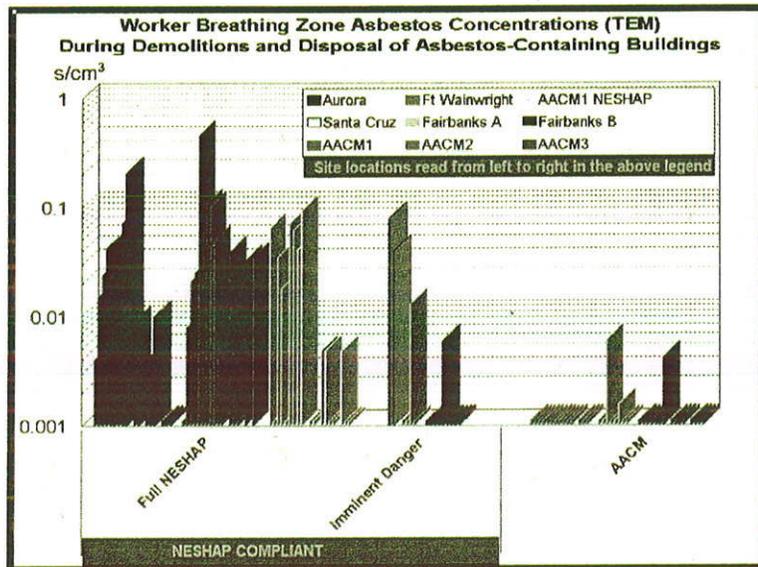
<b>PARAMETER</b>	<b>More Effective (NESHAP or AACM)</b>
<b>Asbestos in Air (TEM)</b>	<b>AACM</b>
<b>Visible Emissions</b>	<b>EQUAL</b>
<b>Asbestos on Pavement (TEM)</b>	<b>AACM</b>
<b>Asbestos in Settled Dust (TEM)</b>	<b>EQUAL</b>
<b>Asbestos in Soil (TEM)</b>	<b>AACM</b>
<b>Cost</b>	<b>VARIES WITH SITE</b>
<b>Time</b>	<b>AACM</b>
<b>Asbestos in Worker Breathing Zone (TEM)</b>	<b>AACM</b>

Summary charts of airborne asbestos concentrations (TEM) and worker breathing zone asbestos concentrations (TEM) are shown in the following figures. The legend in the respective figures reads from left to right to identify the sites that are referenced in the figures. The "dry" grouping was demolition of a group of buildings that did not fall under the auspices of the NESHAP and were demolished without wetting. The "Full NESHAP" grouping reflects demolitions that were purported to be conducted in full compliance with the NESHAP. The "Imminent Danger" grouping reflects the demolitions that were conducted under the

NESHAP "structurally unsound and in imminent danger of collapse" provision. The "pre-wet + wet" grouping reflects structures that were demolished after pre-wetting the interior on the day of the demolition with hydrant water and then wetting during the demolition. The "pre-wet + wet" were pre-cursors of the improved AACM technology.



Average airborne asbestos concentrations from a variety of TEM-monitored demolitions of asbestos-containing buildings.



Worker breathing zone asbestos concentrations (TEM) from a variety of demolitions of asbestos-containing buildings.

*Informed consultants are already employing the AACM principles in imminent-danger-of-collapse situations where maximum site safety is required. A school building, co-located with other school buildings, was demolished using the AACM after a fire because the consultants and the school system wanted to assure maximum protection for the facility users.*

*An additional request is that you revisit the situation involving residences with vermiculite attic insulation (VAI). Several years ago, the ORD Assistant Administrator proposed a research effort to assess exposures to residents of the many thousands of houses with VAI. Most of the VAI came from Libby. On the brink of implementation of the research, OPPTS withdrew support because the Agency had not received the flood of public comments on this topic that they had anticipated. Not performing this effort was a major oversight on the part of EPA. I feel this assessment is still sorely needed for the protection of those thousands and thousands of residents for which this could represent a serious and continuing health threat.*

ATTACHMENT ONE

*Comments from Roger Wilmoth on the Following Letter:  
May 24, 2010*

Public Justice  
Natural Resources Defense Council  
Sierra Club  
AFL-CIO Building and Construction Trades Department,  
AFL-CIO International Association of Heat and Frost Insulators  
and Allied Workers  
Physicians for Social Responsibility  
Asbestos Disease Awareness Organization  
May 17, 2010

Administrator Lisa Jackson  
U.S. Environmental Protection Agency  
Ariel Rios Building 1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: EPA's Dangerous Experiments on Demolishing Buildings Containing Asbestos

Dear Administrator Jackson:

During the Bush Administration, several EPA officials advocated strongly to relax restrictions on the demolition of asbestos-contaminated buildings (*This is untrue. The Bush administration -- and I am a strong Democrat and an Obama/Biden supporter -- sought to improve the NESHAP with the AACM. There was NEVER ANY intent to relax the protectiveness of the NESHAP. I would never have participated if that were the case! We did observe the perception among many Agency staff that it was an attempt to weaken the NESHAP. Fear-mongers within the Agency fueled that inaccurate perception*). They wanted to replace the Clean Air Act's protective (*there is absolutely no multimedia data to support that the asbestos NESHAP is protective; in fact ORD wanted to gather such data on the performance of the existing asbestos NESHAP, but was prohibited from doing so, except in AACM1*) method, which requires removal of asbestos (*the NESHAP requires removal of most of the friable asbestos, but much asbestos-containing material is allowed by the NESHAP to remain in the building during demolition*) prior to demolition, with an unprotective (*not true, the AACM is at least as or probably more protective*) "wet method" (*this is a purposeful attempt by the writers to equate the AACM to the methods originally used by Fort Worth and later by the St. Louis Airport; the AACM is far different and felt to be far more protective than these "wet" methods*) Alternative Asbestos Control Method (AACM), which leaves the asbestos in place (*again only partially true and intentionally misleading; the AACM leaves most of the asbestos in place; in some cases, it requires removal of asbestos-containing materials that the NESHAP method would leave in the building during demolition*) during demolition and uses water sprays (*with a wetting agent*) to try to suppress asbestos contamination.

When the Obama Administration took office, we expected that this misguided experiment would end. The AACM does not work (*summarily untrue*), and can potentially expose workers (*absolutely untrue, the data show the workers to be far more protected by this method than by the NESHAP when the NESHAP includes an abatement phase as shown by the data from the AACMI study*) and nearby residents to asbestos.

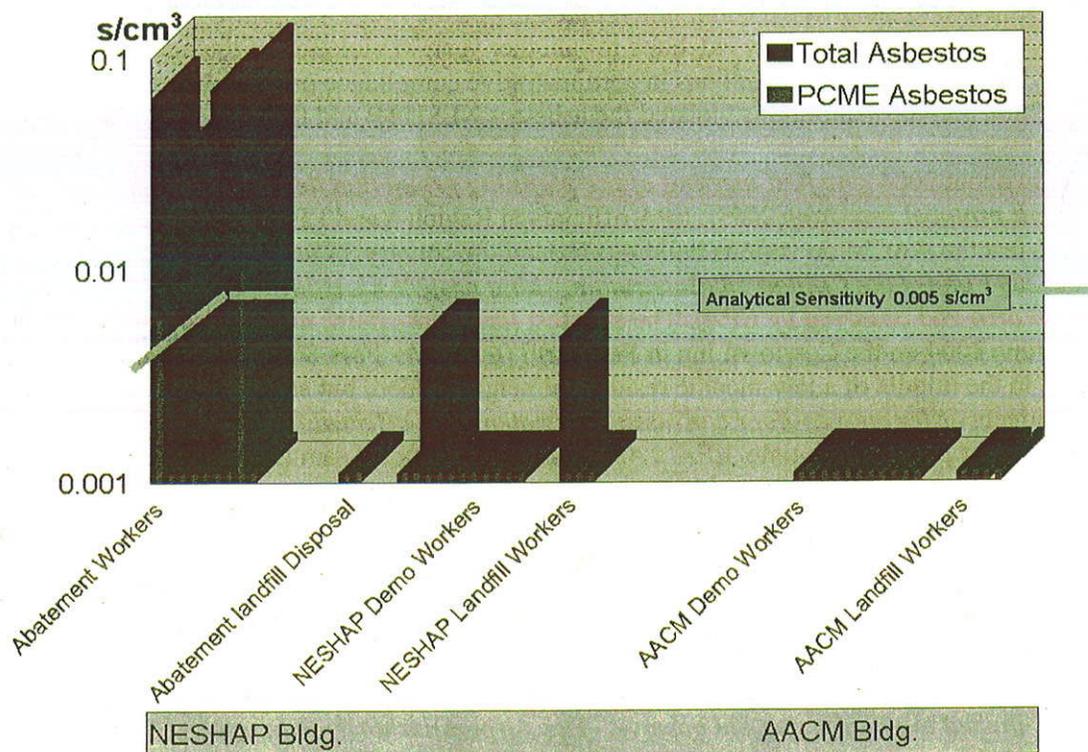
*The worker data from the AACMI vs NESHAP comparison follows as excerpted from the AACMI final report:*

*“Worker breathing zone samples for the abatement workers, which constituted the longest time component (by a factor of nine) of the NESHAP Method, registered elevated levels of asbestos by TEM and fibers by PCM (one equaling the OSHA PEL). In one instance, an EPA observer entered the containment area during the abatement and observed an abatement worker who had removed his respirator and was working without respiratory protection.*

*Demolition worker breathing zone samples for asbestos were almost all non-detect for both the NESHAP Method and the AACM.*

*The figure on the next page illustrates the relative magnitude of both total and PCME asbestos concentrations for all demolition worker breathing zone samples, which include results from the landfill workers that are discussed in the AACMI report). Since the NESHAP process includes the abatement process, the AACM offers a significant improvement in the reduction of workplace asbestos concentrations as compared to the overall NESHAP process.”*

<sup>1</sup> The federal work practice standards for removing asbestos from demolished buildings are prescribed by EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. § 61.145.



Non-detects are shown as near zero for illustration.  
**Worker breathing zone asbestos (TEM) data from the NESHAP and AACM demolition processes.**

Asbestos is a known human carcinogen. Forty countries around the world have banned its use (*the use of asbestos has been banned; not the AACM*).

For these reasons, we are deeply dismayed to learn that the AACM is still being actively pursued as a research and regulatory priority, and that EPA may soon release two final test reports that mislead decision-makers and endorse this method. We understand that EPA staff are now reviewing the draft reports. They have discovered factual errors (*one typo*), failures to follow EPA procedures, and apparent inconsistencies with EPA regulations and policies (?), but EPA's Office of Research and Development (ORD) is still pushing the AACM method. We urge you to reevaluate the accuracy of the draft AACM test reports and stop diverting agency resources to the consideration and development of this dangerous technique. (*These rumors presumably came from EPA staff. Were the apparent relationships between the existing Agency staff that supposedly supplied this information and the industry/lobbyist groups appropriate?*).

Here is a brief history of what has occurred to date. From 1999 to 2003, St. Louis officials used the wet method to demolish hundreds of asbestos-laden homes and buildings near the City's airport to make way for a new runway. When EPA Region 7 belatedly discovered this illegal practice, it failed to enforce the law and instead issued an administrative consent order, without

any public notice to the affected community, that allowed the illegal demolitions to continue for another year. That order was later extended for another year, in violation of the one-year statutory limit on compliance deadlines in administrative compliance orders. A federal judge ruled in 2008 that the demolitions violated the asbestos NESHAP and the Clean Air Act.

Starting in about 2004 (*the first meeting of the planning group that developed the AACM demolition protocol was June 2005*), EPA officials in Region 6 and EPA's ORD repeatedly sought to test the AACM on various buildings around the country. (*The research actually began in 2000-2001 under the Clinton administration with a project XL study conducted by the City of Fort Worth and observed by EPA*). The first test (*under the Bush administration*) was to be done in June 2004 on the Cowtown Inn in Ft. Worth (*using the Fort Worth Method, not the AACM*), in the middle of a low-income residential neighborhood, but strong opposition from local residents (*after door-to-door canvassing by potentially-affected labor groups*) forced EPA to abandon that plan. At the time, EPA's Asbestos Coordination Team (ACT) (*an ad-hoc group*), composed of senior EPA scientists, strongly objected to the test, stating that it rested on "numerous assumptions that are not clearly supported by scientific studies."

EPA then moved the experiment in August 2004 to the Landscape Building at the St. Louis airport. (*Absolutely untrue and the authors (particularly the Public Justice group) know it is untrue. What is purposely stating something that you know is false called? The Landscape Building demolition and monitoring were done entirely by the St. Louis Airport Authority and EPA was invited to observe and did observe. The Airport authority then analyzed the data that they collected, wrote a report, and provided the report to EPA. The report was reviewed by EPA scientists and a final version of that report was issued by the EPA Science Advisor*). The ACT "concluded that not only did the study design of the demolition limit the ability to generalize the results, but that the data indicate statistically significant downwind asbestos release and possible exposures during and following the wet demolition of the building." (*The ACT report was an internal document and contained many technical flaws. Valid input from the ad hoc group was incorporated into EPA's May final report, issued by the Agency's Science Advisor that evaluated the Airport's study on the Landscape Building*). EPA's final May 2005 report on that test found that downwind air monitors "captured some asbestos fibers that were obviously released during the demolition process."

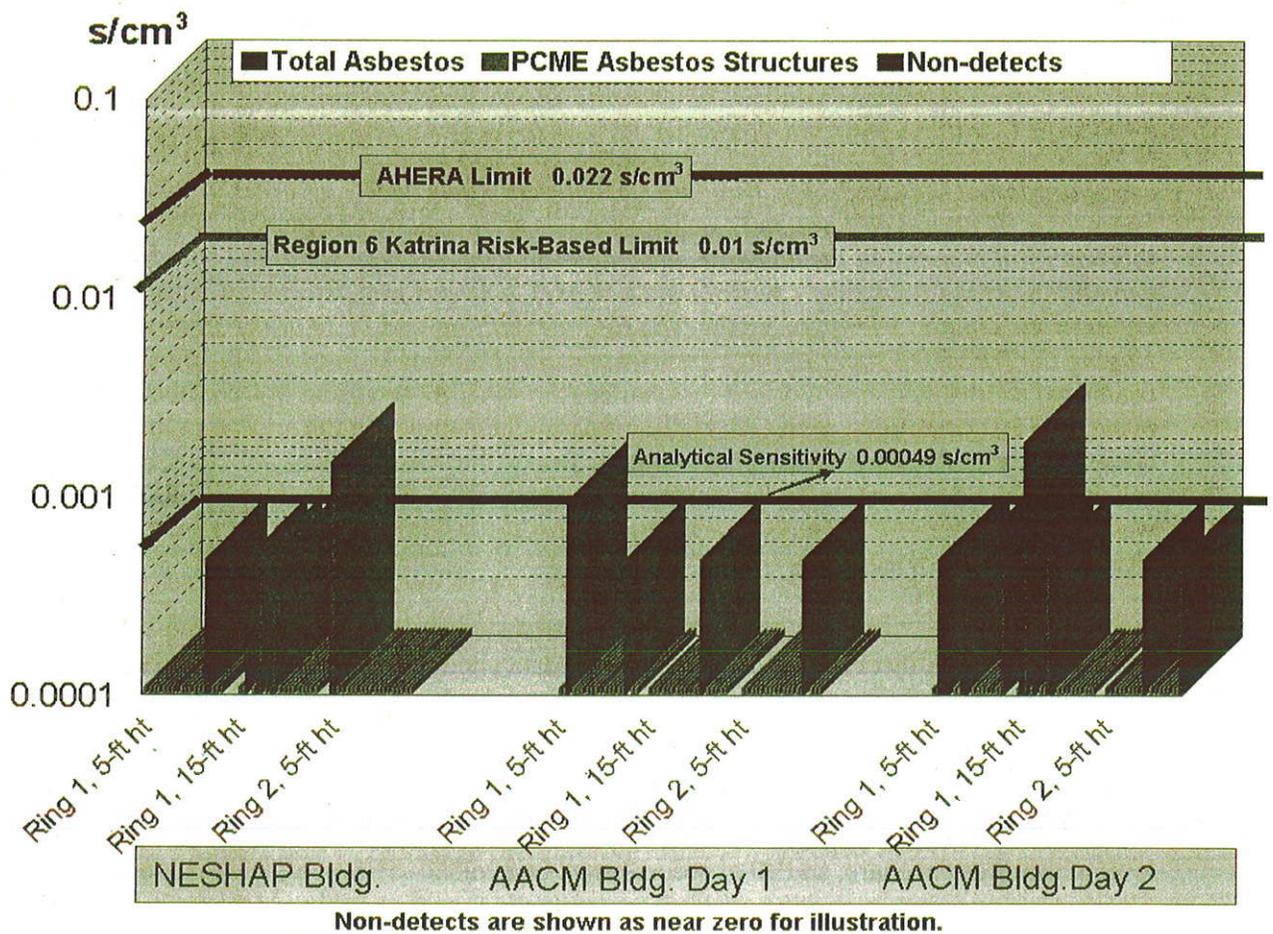
In April 2006, EPA demolished two abandoned army barracks in Ft. Chaffee, Arkansas, using the wet (*again purposely misstated by the authors; the AACM was far different and more advanced than the original wet method*) method on one barracks and the NESHAP method on the other. EPA's report on that April 2006 test concluded that the AACM released more asbestos and particulates into the air than did the NESHAP method. AACM1 Report, 2 pp. 81, 85.

*Here is the discussion from the report on the airborne asbestos;*

*During actual demolition of both the NESHAP and AACM buildings (Day 1 for the AACM), approximately ten percent (5/54 samples) and eight percent (4/54 samples) of the samples showed asbestos concentrations above the analytical sensitivity, respectively. The largest total asbestos concentrations observed during demolition of both buildings was measured in Ring 1 of the AACM building (0.0019 s/cm<sup>3</sup>), with 0.0015 s/cm<sup>3</sup> measured in Ring 2 of the NESHAP building. Four of the 54 samples from the NESHAP building showed measurable PCME asbestos*

concentrations (0.00049 to 0.00098 s/cm<sup>3</sup>). The largest total asbestos concentration (0.00096 s/cm<sup>3</sup>) observed during demolition of the AACM building (Day 1) was measured in Ring 1 (Table 6-3). None of the 54 samples from AACM Day 1 showed measurable concentrations of PCME-structures.

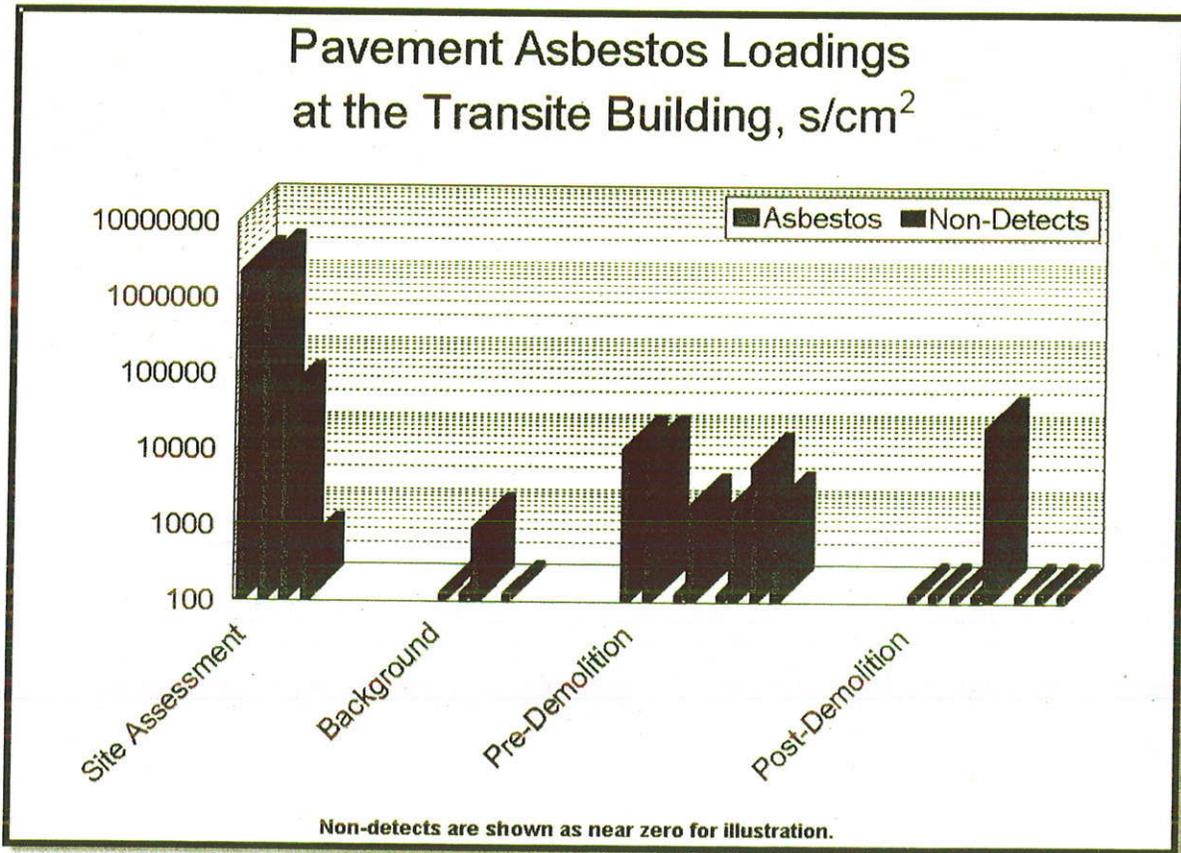
The AACM building soil removal process (Day 2) resulted in measurable total asbestos concentrations in 13 of 54 samples. Five of the 54 samples showed concentrations at the analytical sensitivity (0.00048 to 0.00049 s/cm<sup>3</sup>) of PCME-structures. It is noted that no application of the wetting agent occurred during soil removal because the ground was saturated due to rainfall as well as from application of the wetting agent during building demolition. In retrospect, this was a judgmental error. It is probable that the edges of the containment berms and the berms themselves dried out somewhat during soil sampling and they may have been the source of the few asbestos fibers observed during analysis of the air samples collected during the soil removal phase.



2,200,000 and 2,700,000 s/cm<sup>2</sup> respectively. The more distant samples contained surface loadings of 30,000 and 500 s/cm<sup>2</sup> respectively. The importance of these data is that it is indicative of the erosion of the transite from weathering and the resulting contamination of the surrounding area.

The paved surface in front of the transite building was subject to limited but frequent vehicle traffic through the parking area. It is certainly possible that this vehicle traffic across the contaminated surface could have been a consistent source of airborne asbestos to the vicinity.

Between the time of the site assessment sampling and the study, the area was subjected to a series of extreme rainfall events and severe flooding in the Arkansas area. As seen in the pre-demolition loadings in the table and figure shown above and below, the surface loadings had been significantly reduced by the time of the study, with six of the eight samples detecting asbestos but the highest loading was 10,400 s/cm<sup>2</sup>, meaning that the majority of the asbestos present in the site assessment sampling had been washed from the pavement by the rainfall events and was now probably in the soil downgradient from the pavement surface.



The application of the AACM technology to the demolition of the transite building resulted in the post-demolition samples having only one of eight samples detecting asbestos. If the